

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2782 SCOMM 122: COMMISSION ON PRIVATIZATION. ., 1999

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I. Name of Committee/Task Force

Child Support Guidelines Review Committee

II. Purpose/Charge

Review Civil Rule 90.3 and recommend changes to the supreme court. Federal law requires the states to review their child support guidelines every four years. Ours (in Civil Rule 90.3) were last revised effective July 15, 1995.

III. Date Formed

The committee was appointed by Chief Justice Matthews in October 1997.

IV. Chaired By

William T. Cotton, Executive Director, Alaska Judicial Council

V. Committee Members

Executive Director William T. Cotton, Alaska Judicial Council; Clerk of the Appellate Courts Marilyn May, Superior Court Judge Beverly Cutler; Ken Kirk; and Dan Callahan.

VI. Staff Support Provided By

Special Projects Manager Susan Miller

VII. Current Status of Work

The committee has finished meeting and sent its proposal to Chief Justice Matthews. However, the background material (public comments, etc.) have not been sent to the court, so it has not yet been scheduled for discussion.

Expected effective date of any rule changes that are adopted: July 15, 1999.

VIII. Contact Person (name, title, address, phone, fax and e-mail) for Committee/Task Force

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I. Name of Committee/Task Force

Indigency Guidelines Committee

II. Purpose/Charge

The purpose of this project is to develop standards or guidelines for judges to use in determining a person's eligibility for appointment of counsel at public expense.

III. Date Formed

Chief Justice Allen Compton appointed the committee in April 1996.

IV. Chaired By

District Court Judge Peter Ashman

V. Committee Members

Superior Court Judge Larry Zervos; District Court Judges Peter Ashman and John Lohff; Magistrate Bradley Gator; Brenda Mew, Fairbanks Pretrial Services; Special Projects Manager Susan Miller; Court Rules Attorney Christine Johnson and (Melvin Torres and Ethan Windahl - no longer employed by the court system)

VI. Staff Support Provided By

Special Projects Manager Susan Miller and Court Rules Attorney Christine Johnson

VII. Current Status of Work

The committee's final report was sent to the supreme court in late November 1998. The court reviewed and revised the committee's proposed new Criminal Rule 39.1 in meetings in December 1998. A final draft of Rule 39.1 and proposed revisions in current Criminal Rule 39 will be sent to the court the first week in January 1999. The effective date of the new rule has not been decided.

Still to do: Develop forms, procedures, instructions, etc., to implement the new rule and follow-up on other recommendations of the committee (proposed legislation and directory of defense attorneys).

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I. Name of Committee/Task Force

Interagency Child Support Committee

II. Purpose/Charge

Improve communication between the three entities involved in enforcement of child support orders (Alaska Court System, Department of Law and Child Support Enforcement Division) and improve the efficiency of the systems for modifying and enforcing these orders.

III. Date Formed

January 1997 (In response to Ombudsman complaint concerning delays in modification of child support orders.)

IV. Chaired By

Special Projects Manager Susan Miller

V. Committee Members

Alaska Court System

Special Projects Manager Susan Miller
Anchorage Clerk of Court Charlene Dolphin
Anchorage Chief Deputy Clerk Cindy Marshall
Anchorage Civil Division Supervisor Julie Monson
Third District Area Court Administrator Gwendolyn Lyford
Anchorage Superior Court Judge John Reese
Clerk of the Appellate Courts Marilyn May

Child Support Enforcement Division

Dallas Cox
Jackie Robinson
Darrell Watson

Department of Law

Diane Wendlandt

VI. Staff Support Provided By

No staff

VII. Current Status of Work

This committee meets almost monthly. Its main focus has been on improvements in modification procedure. In November 1998, the supreme court approved the third district's standing order to provide income information, which was originally developed in this committee. Among the projects the committee is currently working on are: revision of the child support orders due to a change in CSED policy; review of the necessity of court ordered child support in CP cases; a reference guide for judges containing a variety of information about the child support process and CSED; a parent's guide about children in the court system; training/assistance for court employees (and eventually the public) in calculation of child support; pro se forms and instructions for modification of child support, modification of custody, and modification or enforcement of visitation.

VIII. Contact Person (name, title, address, phone, fax and e-mail) for Committee/Task Force

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I. Name of Committee/Task Force

Access and Visitation Committee

II. Purpose/Charge

Apply for funding and administer federal grants received (through Child Support Enforcement Division) to establish "programs to support and facilitate non-custodial parents' access to and visitation of their children." This federal program was adopted as part of the welfare reform act.

III. Date Formed

September 1997

IV. Chaired By

Special Projects Manager Susan Miller

V. Committee Members

Special Projects Manager Susan Miller, Court Rules Attorney Christine Johnson and Third District Area Court Administrator Gwendolyn Lyford

VI. Staff Support Provided By

None

VII. Current Status of Work

\$50,000 in first year (September 1997 - September 1998) funding was obtained and earmarked for a new program in the Anchorage court to provide mediation services for custody and visitation disputes. New forms and procedures were developed for this program and contracts were entered into with four private mediators. The deadline for liquidating these funds has been extended to September 11, 1999.

Our application for second year funding (September 1998 - September 1999) has also been approved and the Legislative Budget and Audit Committee has approved transfer of the funds (\$50,000) from CSED to the court system. Plans for using this money have not been finalized.

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I. Name of Committee/Task Force

Court Improvement Project Committee

II. Purpose/Charge

To implement the recommendations contained in the assessment of the CINA case process prepared by the Judicial Council entitled "Improving the Court Process for Alaska's Children in Need of Aid."

III. Date Formed

Originally formed in the fall of 1996 and reappointed in June 1998.

IV. Chaired By

Supreme Court Justice Alexander Bryner and Superior Court Judge Niesje Steinkruger

V. Committee Members

Alaska Court System

Supreme Court Justice Alexander Bryner
Superior Court Judge Niesje Steinkruger
Superior Court Judge Richard Erlich
Superior Court Judge John Reese
Presiding Judge Elaine Andrews
Superior Court Judge Michael Wolverton
Superior Court Judge Larry Weeks
Standing Master Bill Hitchcock
Third District Area Court Administrator Gwendolyn Lyford
Deputy Director Stephen Bouch

Susanne Di Pietro, Alaska Judicial Council; Barb Malchick, Office of Public Advocacy; Becky Snow, Department of Law; Mick Schiffer, CFCRB; Doris Bergeron and Kathy Tibbles, Department of Family and Youth Services; Linda Beecher, Public Defender's Office; and Kimberly Martus

VI. Staff Support Provided By

Federal Compliance Attorney Nancy Shaw
Clerical assistance provided by the Alaska Judicial Council support staff

VII. Current Status of Work

In the second year on implementation. Current year projects include:

1. ADR training for judicial officers;
2. training on the new CINA legislation for judges, magistrates, clerks, calendar

3. staff, secretaries, and counter staff;
3. development of pilot mediation projects in CINA termination cases and pre-adjudication cases;
4. preparation of a judicial bench book for CINA cases;
5. analysis of case processing times for appellate CINA cases;
6. revision of case management software to better track CINA cases; and
7. joint sponsorship of multi-disciplinary ICWA training for the south central region.

The committee is in the process of developing improvement plans and budgets for the third year of program funding.

VIII. Contact Person (name, title, address, phone, fax and e-mail) for Committee/Task Force

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ALASKA SUPREME COURT
ON RULES AND PATTERN JURY INSTRUCTIONS**

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Daniel L. Callahan
Alicemary Closuit
Robert B. Flint

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Shannon O'Fallon
Brock Shamberg

Christine Johnson, Reporter

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Judge Beverly Cutler
James D. Gilmore
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Eric Johnson**

**Bonnie Lembo
Bob Linton
Blair McCune
~~Judge Stephanie Rhodes~~
David Wallace
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Christine Johnson, Reporter

Citation/Title

ADMIN Rule 44, RULE 44. RULEMAKING

Rules Governing the Administration of All Courts, Rule 44

**WEST'S ALASKA COURT RULES
RULES GOVERNING THE ADMINISTRATION OF ALL COURTS**

Current with amendments received through 7-1-98.

RULE 44. RULEMAKING

(a) **Uniform Policy.** The supreme court shall make and promulgate rules governing administration of all courts, and practice and procedure in civil and criminal cases in all courts. The rules shall be uniform throughout the Alaska Court System.

(b) **Request for Rulemaking.** Any person may propose new rules or changes in present rules to the supreme court. Each proposal must:

- (1) Be in writing;
- (2) Include the language proposed for change;
- (3) Include the reason for the suggested rule or change;
- (4) Be submitted to the court rules attorney at the Anchorage Office of the Administrative Director of Courts.

The court rules attorney shall review each proposal. If the proposal is unclear or in need of further documentation, the rules attorney shall contact the person submitting the proposal and seek clarification.

(c) **Preliminary Analysis.** The rules attorney shall then prepare a preliminary legal analysis of each proposal. This shall include an examination of the present Alaska rule including adoption and amendment history, as well as a comparison with the federal rule where appropriate.

(d) **Meritless Proposal.** In the unusual case where no further consideration seems merited, the rules attorney shall forward such opinion and the reason for it along with all pertinent supporting information to the chief justice. If the chief justice concurs, a letter shall be sent by the rules attorney to the person submitting the proposal stating the reason it was not accepted.

(e) **Notice.** In all other cases notice that a rule is being considered for change, including the nature of the proposed change, shall be published in the Monthly Activity Report of the appellate courts.

(f) **Major or Minor Change.** The rules attorney shall determine whether a proposal is a major or minor rule change. All proposals for new rules and all proposals affecting substantial rights of litigants are major. Minor rules changes are those which are technical in nature.

(g) **Minor Change.** Minor rules change proposals shall be submitted to the supreme court along with the preliminary legal analysis and appropriate orders in both signature and legislative form. The chief justice shall calendar a review of the proposal at an appropriate law conference. Following review, the supreme court may adopt or reject the proposal, or refer it to a standing or advisory committee to be treated as a major rules change.

ADMIN Rule 44, RULE 44. RULEMAKING

***1037 (h) Major Change.** Major rules change proposals shall be referred by the rules attorney to the appropriate standing or advisory committee. The committee shall review the proposal, determine if a draft should be circulated to the bar or other interested persons for comment, and prepare a written recommendation supporting or opposing the change. If no circulation was made, the reason for this decision shall be stated in the recommendation. Where appropriate, the recommendation shall also include proposed orders in signature and legislative form, as well as advisory notes suitable for publication stating the rationale for the rule change. All committee written recommendations shall be forwarded to the supreme court. The chief justice shall calendar a review of the recommendation at an appropriate administrative conference. Following review, the supreme court may adopt or reject the proposal in whole or in part, or refer the proposal to the same or a different committee for further study or additional circulation.

(i) Public Information. The original proposal, preliminary legal analysis, circulation material, proposed order and advisory notes shall be made available to the public upon request. Committee minutes, reporter's notes, and other preparatory drafts or memoranda shall not be made public.

(j) Standing and Advisory Committees. Standing committees shall be established to review Civil Rules, Criminal Rules and Appellate Rules. The administrative senior staff shall act as the standing committee to review Administrative Rules. Advisory committees shall be appointed as needed to review all other rules. All committees shall receive major rules change proposals from the rules attorney or the supreme court. In addition, the standing committees shall carry on a continuous study of the operation and effect of the rules of procedure and administration. When specific proposals for change initiate in a committee, notice that the proposal is being considered must be published in the Monthly Activity Report under subsection (e) of this rule. Changes to those rules found by the committees to promote: 1) Simplicity in procedure; 2) Fairness in administration; 3) The just determination of litigation; and 4) The elimination of unjustifiable expense and delay, shall be periodically recommended to the supreme court for its consideration.

(k) Appointment. The chief justice shall appoint such members of the judiciary, Alaska Bar Association, and other qualified persons to the committees as it deems advisable. Nominees shall be considered from any source, but solicitation for nominee recommendations shall also be made to the board of governors of the state bar association and the statewide court clerks conference. Where possible, terms of the committee members will be staggered to preserve committee continuity. The members of the committees shall serve without compensation. However, with prior approval the members may be reimbursed for per diem and travel expenses incident to their duties as members of the committees.

***1038 (l) Emergency Rule Action.** Whenever the supreme court determines that an emergency exists requiring the immediate promulgation of a procedural or administrative rule, the court may take any action required by the circumstances. The court shall follow all of the requirements of this rule consistent with meeting the nature of the emergency circumstances.

(m) Effective Date. The effective date for each rule change order shall be stated in the order. Normally, the effective date shall be the same as the publisher's distribution date, in order to provide adequate notice to those affected by the rule change. Where this is not possible, the effective date shall be set as determined by the supreme court. When this occurs, the supreme court shall determine what additional notice, if any, shall be provided to those affected by the rule change. Adoption or rejection of a rules change proposal shall be published in the Monthly Activity Report.

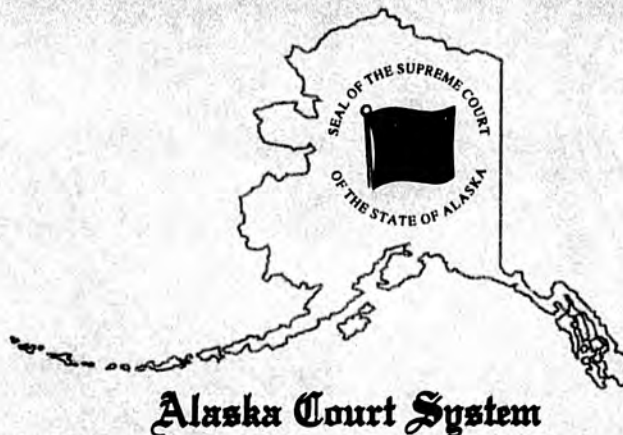
(n) Rule Application. All rules and orders in effect on the date of the adoption of this rule remain in effect.

[Amended effective December 16, 1987.]

ALASKA COURT SYSTEM



STEPHANIE J. COLE
Administrative Director



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A MESSAGE FROM THE ADMINISTRATIVE DIRECTOR

I am pleased to transmit the Alaska Court System's Annual Report for fiscal year 1998.

In fiscal year 1998, close to 150,000 new cases were filed in Alaska's trial courts. Overall, caseload increased by approximately 16,000 cases from fiscal year 1997. These are cases filed by the state, municipalities, businesses and individuals. These cases represent a huge variety of disputes brought to the court for resolution—including large and small civil actions, criminal cases, domestic relations and domestic violence cases, cases involving children, and probate matters. Large or small, these 150,000 cases represent issues of vital importance to the citizens involved in them. The court system endeavors to handle all these cases in accordance with the law, expeditiously and with integrity.

We continued to see felony, domestic violence, and children's cases climb in fiscal year 1998. Last year, we experienced a 7% overall increase in felony filings, with some larger courts reporting considerable increases: Anchorage reported a 15% increase, and Kenai reported a 59% increase. Between fiscal year 1995 and fiscal year 1998 we have seen a 28% increase in domestic violence cases statewide. Children's cases (a combination of delinquency and child in need of aid cases) have been skyrocketing. These filings increased by 31% between fiscal year 1995 and fiscal year 1998, and have increased by 14% statewide just this last year.

We continue to work towards our goal of providing the citizens of Alaska with an efficient and just forum for the resolution of disputes.

Sincerely,

Stephanie J. Cole
Administrative Director

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This twelve and one half foot high Eagle totem is one of two totem poles at the entrance of the Nesbett Courthouse in Anchorage. The totems were designed and carved by artist Lee Wallace from the Tsimshian Nation, and his assistant carver Edwin DeWitt from the Tlingit Nation. The Eagle and Raven totems represent the refined sense of balance which governs the clans, denotes integrity, and adheres to the law of reciprocity.

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Profile of the Alaska Court System



PROFILE OF THE ALASKA COURT SYSTEM

July 1, 1997 - June 30, 1998

INTRODUCTION

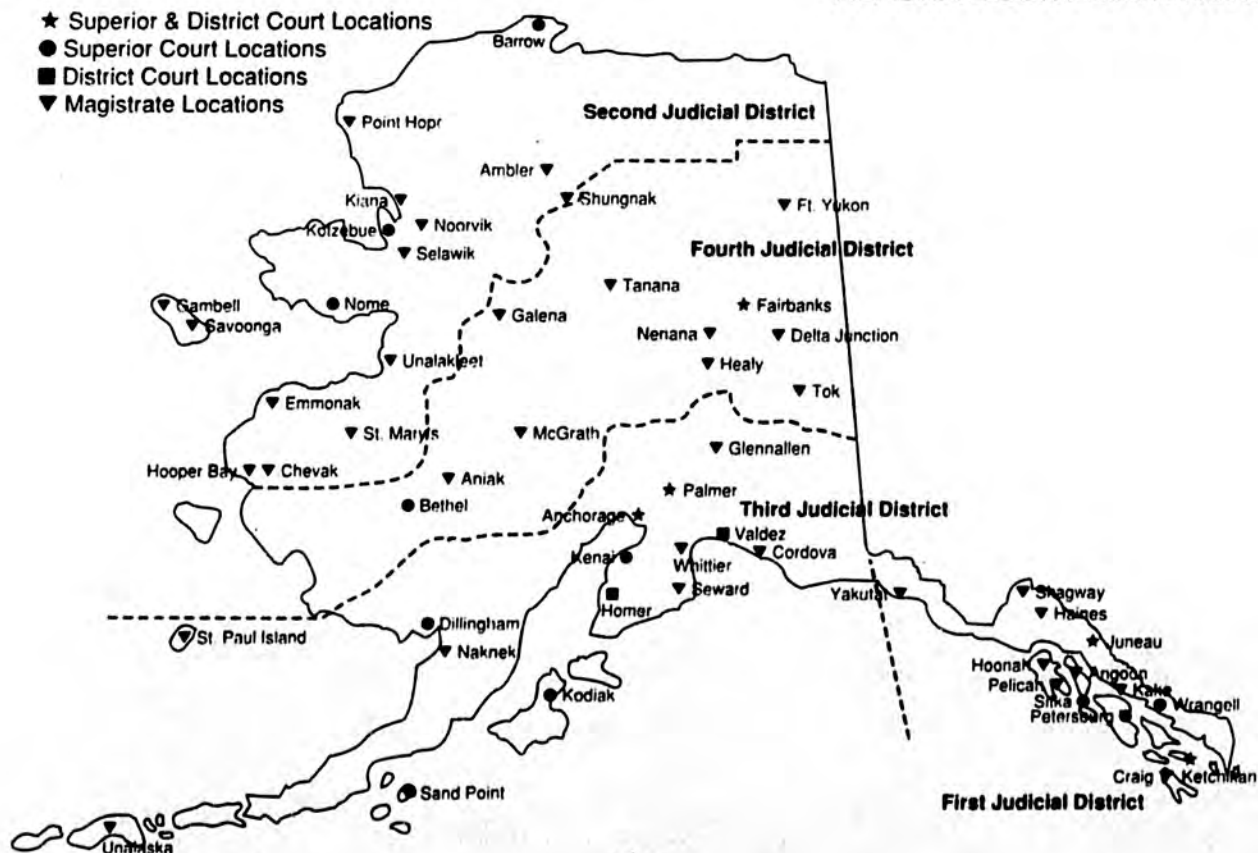
There are four levels of courts in the Alaska Court System, each with different powers, duties and responsibilities. Alaska has a unified, centrally administered, and totally state-funded judicial system. Municipal governments do not maintain a separate court system.

The four levels of courts in the Alaska Court System are the supreme court, the court of appeals, the superior court and the district court. The supreme court and the superior court were established in the Alaska Constitution. In 1959, the legislature created a district court for each judicial district. The legislature granted power to the supreme court to increase or decrease the number of district court judges within each judicial district. In 1980, the legislature created a court of appeals. Jurisdiction and other areas of judicial responsibility for each level of court are set out in Title 22 of the Alaska Statutes.

The chief justice of the Alaska Supreme Court is the administrative head of the Alaska Court System. An administrative director is appointed by the chief justice with concurrence of the supreme court. The director supervises the administration of all courts in the state.

Rules governing the administration of all courts and the rules of practice and procedure for civil and criminal cases are promulgated by the supreme court.

ALASKA COURT LOCATIONS



ALASKA COURT SYSTEM ORGANIZATION

ALASKA SUPREME COURT

The supreme court is the appellate court of final authority in Alaska. It consists of a panel of five justices.

COURT OF APPEALS

The court of appeals hears appeals in criminal and quasi-criminal cases (such as juvenile delinquency cases). It consists of a panel of three judges.

ADMINISTRATIVE OFFICE

The supreme court is charged with the responsibility of administering the statewide system. The supreme court delegates most of the administrative matters to the administrative director and her staff.

SUPERIOR COURT

The superior court is the trial court of general jurisdiction. It has appellate jurisdiction over district court appeals and appeals from administrative agency decisions. There are 32 superior court judgeships.

DISTRICT COURT

The district court has limited civil and criminal jurisdiction. The district court consists of 17 district court judges and 36 magistrates.

ALASKA COURT SYSTEM
(Information as of June 30, 1998)

Fiscal Year:	July 1 - June 30	
Geographical Area Served	586,413 square miles	
Number of Judges	5	supreme court judges
	3	court of appeals judges
	32	superior court judges
	17	district court judges
	36	magistrates
Number of Court Locations:	15	combined superior and district court
	44	district courts only (judge and/or magistrate)
Number of Authorized Positions:	648	permanent full-time
	48	permanent part-time
	21	non-permanent
	717	total

FIVE LARGEST TRIAL COURTS
(by number of permanent full-time employees)

Anchorage	210
Fairbanks	82
Juneau	30
Palmer	25
Ketchikan	22

THE ALASKA SUPREME COURT

The Alaska Supreme Court is the highest level of state court in Alaska. The supreme court is comprised of the chief justice and four associate justices.

The five justices, by majority vote, select one of their members to be the chief justice. The chief justice holds that office for three years and may not serve consecutive terms.

The supreme court hears cases on a monthly basis in Anchorage and Fairbanks, approximately semi-annually in Juneau, and on the basis of workload in other Alaska communities. The court prefers to hear argument in the city where the case was heard in the trial court.

The court meets after oral argument and on a weekly basis to confer on cases argued orally and on cases submitted on the briefs. The court decides the cases and announces its decisions in one of three ways:

- 1) opinions for publication in the Pacific Reporter, 2d series, and in the Alaska Reporter;
- 2) memorandum opinions and judgments (MO&J's); and
- 3) orders summarily ruling on the merits of cases or dismissing them.

Though the MO&J's and most orders are not published, the MO&J's are available for public inspection at the Anchorage, Fairbanks, and Juneau offices of the clerk of the appellate courts, and the orders are filed in the clerk's Anchorage office.

Under the Alaska Constitution, the supreme court establishes rules for the administration of all courts in the state and for practice and procedure in civil and criminal cases. The supreme court has further adopted rules for the practice of law in Alaska and procedural rules for children's matters, probate, and appeals. The Alaska Legislature may change the court's procedural rules by passing an act expressing its intent to do so by a two-thirds majority of both houses.



THE ALASKA SUPREME COURT



Chief Justice
Warren W. Matthews

Chief Justice Warren W. Matthews has served on the court for 21 years. He was born in Santa Cruz, California. He holds a B.A. degree from Stanford University and a J.D. degree from Harvard University Law School. He was in the private practice of law in Anchorage from 1965 - 1977. Chief Justice Matthews served as a member of the Board of Governors of the Alaska Bar Association, the Supreme Court Criminal Rules Revision Commission, the Alaska Sentencing Commission and as chairman of the Alaska Bar Ethics and Unauthorized Practices Commission. He was appointed to the Alaska Supreme Court in 1977 and served as chief justice 1987 - 1990. He is married to Donna Matthews and has two children. Chief Justice Matthews began his second term as chief justice in 1997.

Justice Allen T. Compton has served on the court for 22 years. Justice Compton was born in Kansas City, Missouri. He received a B.A. degree from the University of Kansas and a law degree from the University of Colorado. He moved to Juneau in 1970 and served as supervising attorney for Alaska Legal Services. He was also in the private practice of law in Juneau until he was appointed to the superior court bench in February 1976. He was appointed to the Alaska Supreme Court in 1980. Justice Compton served as Chief Justice October 1995 - July 1997. He is married to Sue Ellen Tatter and has three children.

Justice Compton retired November 2, 1998.



Justice Allen T. Compton
Retired November 2, 1998



Justice Robert L. Eastaugh

Justice Robert L. Eastaugh has served on the supreme court for four years. Justice Eastaugh was born in Seattle, Washington, and raised in Juneau. He holds a B.A. degree from Yale University and a J.D. degree from University of Michigan Law School. He was first admitted to the practice of law in 1968. He was in private practice for 22 years, after having served as an assistant district attorney in Anchorage and assistant attorney general in Juneau. He has two children.

THE ALASKA SUPREME COURT continued



Justice Dana Fabe

Justice Dana Fabe has served on the supreme court since March 1996 and is the first woman to serve on the court. Justice Fabe was born in Cincinnati, Ohio. She holds a B.A. degree from Cornell University and a J.D. degree from Northeastern University School of Law. Justice Fabe clerked for Justice Edmond W. Burke of the Alaska Supreme Court in 1976-77. She served as a staff attorney for the Alaska Public Defender Agency from 1977-81, and in 1981 she was appointed by the governor to be Chief Public Defender for Alaska. She was a member of the Board of Governors of the Alaska Bar Association in 1987-88. Justice Fabe was appointed to the superior court bench in Anchorage in 1988. She was deputy presiding judge of the third judicial district from 1992-95, as well as a training judge for the third judicial district and has served as chairperson of the Alaska Supreme Court's Committee on Criminal Pattern

Jury Instructions and its Special Committee on Contempt of Court. She is co-chair of Alaska's Joint State and Federal Court Commission on Gender Equality and chair of the Alaska Supreme Court's Access to Civil Justice Task Force. She also serves as the judicial representative to the Alaska Bar Association's Continuing Legal Education Committee. Justice Fabe is married to Randall Simpson, and they have a daughter, Mia.

Justice Alexander O. Bryner has served on the court since February 1997. He was born in Tientsin, China. Justice Bryner moved to Alaska in 1969. He holds a B.A. degree and a degree in law from Stanford University. He served as law clerk to Alaska Supreme Court Chief Justice George Boney from 1969 to 1971. He moved to San Francisco in 1971 and was legal editor for Bancroft Whitney Company. After returning to Alaska in 1972, he worked for the Public Defender Agency in Anchorage. In 1974 he entered private practice as a partner in the firm Bookman, Bryner and Shortell. He was appointed to the district court bench in Anchorage in 1975 and served until 1977. In 1977, he was appointed U.S. Attorney for Alaska and held that position until his appointment to the Court of Appeals in 1980. He served as Chief Judge of the Court of Appeals from 1980-1997.



Justice Alexander O. Bryner

He is married to Carol Crump Bryner and has two children, Paul and Mara.



Justice Walter L. Carpeneti
Appointed November 5, 1998

On November 5, 1998 Governor Tony Knowles named Juneau Superior Court Judge **Walter L. Carpeneti** to the Alaska Supreme Court. Justice Carpeneti was appointed to the superior court in 1982.

THE ALASKA SUPREME COURT continued

SUPREME COURT JURISDICTION

The term "jurisdiction" means a court's legal power and authority to hear particular types of cases.

The supreme court has final state appellate jurisdiction in civil and criminal matters:

1. CIVIL APPEALS. The supreme court must accept appeals from final decisions by the superior court in civil cases (including cases which originated in administrative agencies).
2. The supreme court may exercise its discretion to accept:
 - a. CRIMINAL APPEALS, from decisions of the court of appeals or upon certification from the court of appeals that the case involves a significant question of constitutional law or an issue of substantial public interest; and
 - b. PETITIONS, from non-final decisions by the superior court in civil cases and from final decisions of the superior court on review of the district court's decisions in civil matters.
3. ORIGINAL APPLICATIONS. The supreme court may also exercise its discretion to hear matters in which relief is not otherwise available, including bar admission and attorney discipline matters and questions of state law certified from the federal courts.

THE COURT OF APPEALS

The court of appeals is a three-judge panel consisting of a chief judge (appointed by the chief justice for a two-year term) and two associate judges. The court of appeals was created in 1980 by the Alaska Legislature.

Robert G. Coats was appointed chief judge for 1997 and 1998.

The court of appeals regularly meets in Anchorage, traveling to Fairbanks as caseload demands.

The court of appeals has the authority to hear appeals from judgments in criminal cases and certain other quasi-criminal cases in which a minor is accused of committing a crime (juvenile delinquency cases), cases in which prisoners are challenging the legality of their confinement (habeas corpus matters), and cases involving probation and parole decisions.

Criminal appeals from the district court can be taken to the superior court or to the court of appeals, at the option of the defendant. A defendant who appeals from district court to superior court can ask the court of appeals to review the resulting decision of the superior court, but the court of appeals may, in its discretion, refuse to hear the appeal.



Judge David Mannheim



Chief Judge Robert G. Coats



Judge David Stewart

THE COURT OF APPEALS continued

COURT OF APPEALS JURISDICTION

The court of appeals has jurisdiction to hear appeals in cases involving criminal prosecutions, post-conviction relief, juvenile delinquency, extradition, habeas corpus, probation and parole, bail, and the excessiveness or leniency of a sentence:

1. **MERIT APPEALS** (issues concerning the merits of a conviction) or **SENTENCE APPEALS** (the excessiveness or leniency of a sentence) - The court of appeals must hear appeals from final decisions by the superior court or the district court.
2. **PETITIONS** - The court of appeals may exercise its discretion to hear appeals of non-final decisions from the superior court or the district court or from final decisions of the superior court on review of the district court's decisions.
3. **ORIGINAL APPLICATIONS** - The court of appeals may exercise its discretion to hear cases in which relief cannot be obtained from the court through one of the above types of appeals.

THE CLERK OF THE APPELLATE COURTS

The clerk's office of the appellate courts, which includes the supreme court and the court of appeals, is located in Anchorage. The clerk is required to be an attorney. Responsibilities of the clerk include monitoring the caseflow through the supreme court and the court of appeals as well as making recommendations for improvements in appellate procedure. The clerk is also responsible for all case filing and calendaring, publishing opinions and related tasks. Deputy clerks are located in Juneau, Anchorage and Fairbanks.

Jan Hansen was appointed Clerk of the Appellate Courts in July 1991. Ms. Hansen served as Clerk of the Appellate courts until her death in June 1998.

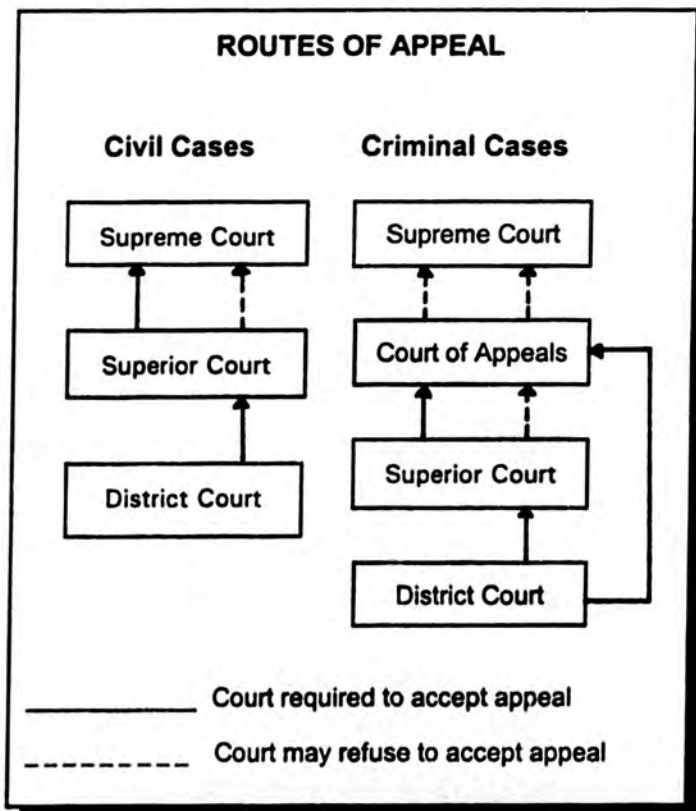
Marilyn May was appointed Clerk of the Appellate Courts in October 1998.



Jan Hansen
Clerk of the Appellate Court
July 1991 - June 1998



Marilyn May
Clerk of the Appellate Court
October 1998 - Present



THE SUPERIOR COURT

SUPERIOR COURT JURISDICTION

The superior court is the trial court of general jurisdiction. The superior court has the authority to hear all cases, both civil and criminal, properly brought before the state courts (with the very limited exception of matters taken directly to the supreme court). However, the superior court does not routinely hear cases which may be brought in the district court (a court of limited jurisdiction).

The superior court:

- ▶ is a trial court for both criminal and civil cases.
- ▶ serves as an APPELLATE COURT for appeals from civil and criminal cases which have been tried in the district court
- ▶ hears cases involving CHILDREN who have committed crimes or who are abused or neglected
- ▶ hears cases involving the PROPERTY OF DECEASED OR INCOMPETENT PERSONS
- ▶ hears cases involving INVOLUNTARY COMMITMENT of persons to institutions for the mentally ill
- ▶ handles DOMESTIC RELATIONS matters

Alaska is divided into four judicial districts. The boundaries of the districts are defined by state statute. The judicial districts define the boundaries for judicial retention elections at which voters indicate their approval or rejection of judges and justices.

In January of each year, the chief justice of the supreme court designates a superior court judge from each of Alaska's four judicial districts to serve as presiding judge for a term of one calendar year. The presiding judge, in addition to regular judicial duties, is responsible for the administration of the trial courts within the district, including assignment of cases, supervision of court personnel, efficient handling of court business and appointment of magistrates.

New Appointment: Fairbanks District Court Judge Charles Pengilly was appointed to the Fairbanks superior court by Governor Tony Knowles on November 7, 1997. Judge Pengilly had served as a district court judge since 1990.

SUPERIOR COURT JUDGES

FIRST JUDICIAL DISTRICT



Presiding Judge Larry Weeks
Juneau Superior Court
Appointed 1990



Judge Walter Carpeneti
Juneau Superior Court
Appointed 1981



Judge Thomas Jahnke
Ketchikan Superior Court
Appointed 1985



Judge Larry Zervos
Sitka Superior Court
Appointed 1990



Judge Michael Thompson
Ketchikan Superior Court
Appointed 1993

SECOND JUDICIAL DISTRICT



Presiding Judge Michael Jeffery
Barrow Superior Court
Appointed 1982



Judge Richard Erlich
Kotzebue Superior Court
Appointed 1991



Judge Ben Esch
Nome Superior Court
Appointed 1996

SUPERIOR COURT JUDGES
continued

THIRD JUDICIAL DISTRICT



Presiding Judge Elaine Andrews
Anchorage Superior Court
Appointed 1991



Judge Milton Souter
Anchorage Superior Court
Appointed 1978



Judge Brian Shortell
Anchorage Superior Court
Appointed 1980



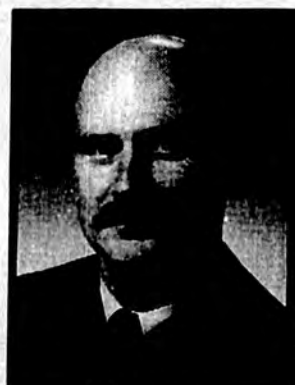
Judge Rene Gonzalez
Anchorage Superior Court
Appointed 1984



Judge Karen Hunt
Anchorage Superior Court
Appointed 1984



Judge Peter Michalski
Anchorage Superior Court
Appointed 1985



Judge John Reese
Anchorage Superior Court
Appointed 1989



Judge Larry Card
Anchorage Superior Court
Appointed 1993



Judge Michael Wolverton
Anchorage Superior Court
Appointed 1996

SUPERIOR COURT JUDGES
continued

THIRD JUDICIAL DISTRICT - continued



Judge Dan Hensley
Anchorage Superior Court
Appointed 1996



Judge Eric T. Sanders
Anchorage Superior Court
Appointed 1996



Judge Sen K. Tan
Anchorage Superior Court
Appointed 1996



Judge Donald Hopwood
Kodiak Superior Court
Appointed 1990



Judge Jonathan Link
Kenai Superior Court
Appointed 1990



Judge Harold Brown
Kenai Superior Court
Appointed 1996



Judge Beverly Cutler
Palmer Superior Court
Appointed 1982



Judge Eric Smith
Palmer Superior Court
Appointed 1996

Not pictured:
Dillingham Superior Court
Judge Fred Torrasi
Appointed 1997



SUPERIOR COURT JUDGES **continued**

FOURTH JUDICIAL DISTRICT



Presiding Judge Ralph Beistline
Fairbanks Superior Court
Appointed 1992



Judge Mary E. Greene
Fairbanks Superior Court
Appointed 1985



Judge Richard D. Savell
Fairbanks Superior Court
Appointed 1987



Judge Niesje Steinkruger
Fairbanks Superior Court
Appointed 1988



Judge Charles Pengilly
Fairbanks Superior Court
Appointed 1997



Judge Dale Curda
Bethel Superior Court
Appointed 1989

THE DISTRICT COURT

The Alaska Constitution provides that the legislature shall establish such lower courts as may be necessary. In 1959, the legislature created a district court for each judicial district and granted to the supreme court the power to increase or decrease the number of district court judges within each judicial district.

DISTRICT COURT JURISDICTION

The district court is a trial court of limited jurisdiction. A district court judge may:

- ▶ hear STATE MISDEMEANORS and violations of CITY AND BOROUGH ORDINANCES
- ▶ issue SUMMONSES, ARREST WARRANTS and SEARCH WARRANTS
- ▶ hear first appearances and PRELIMINARY HEARINGS in felony cases
- ▶ record VITAL STATISTICS (in some areas of the state)
- ▶ hear CIVIL CASES valued up to \$50,000
- ▶ hear SMALL CLAIMS cases (\$7,500 maximum)
- ▶ handle cases involving CHILDREN on an emergency basis
- ▶ hear DOMESTIC VIOLENCE cases

New Appointment: Former Assistant Attorney General Raymond Funk was appointed to the Fairbanks District Court in May 1998 by Governor Tony Knowles.

DISTRICT COURT continued

Magistrates preside over certain district court matters in areas of the state where services of a full-time district court judge are not required. Some magistrates serve more than one court location. Magistrates also serve in metropolitan areas to handle routine matters and to ease the workload of the district court.

A magistrate is not required to be a lawyer. The magistrate is a judicial officer of the district court whose authority is more limited than the authority of a district court judge.

MAGISTRATE JURISDICTION

A magistrate may:

- ▶ hear SMALL CLAIMS cases (\$7,500 maximum)
- ▶ hear FORMAL CIVIL cases (\$7,500 maximum)
- ▶ issue writs of HABEAS CORPUS (challenges to the legality of a person's confinement)
- ▶ solemnize MARRIAGES
- ▶ perform NOTARY PUBLIC duties and record VITAL STATISTICS (in some areas of the state)
- ▶ handle cases involving CHILDREN on an emergency basis hear DOMESTIC VIOLENCE CASES
- ▶ acts a hearing officer to review an ADMINISTRATIVE REVOCATION of a driver's license
- ▶ enter a judgment of conviction if a defendant pleads guilty or no contest to any STATE MISDEMEANOR
- ▶ hold TRIALS and enter judgments in STATE MISDEMEANORS if a defendant agrees in writing to be tried by a magistrate
- ▶ hear trials of MUNICIPAL ORDINANCE violations, STATE TRAFFIC INFRACTIONS and Alaska Statute TITLE 11 violations
- ▶ preside over PRELIMINARY HEARINGS in felony cases
- ▶ issue SEARCH AND ARREST WARRANTS, and SUMMONSES
- ▶ conduct EXTRADITION (fugitive from justice) proceedings

DISTRICT COURT JUDGES

FIRST JUDICIAL DISTRICT



Judge Peter Froehlich
Juneau District Court
Appointed 1989



Judge Patricia Collins
Ketchikan District Court
Appointed 1995

THIRD JUDICIAL DISTRICT



Judge William Fuld
Anchorage District Court
Appointed 1983



Judge Natalie Finn
Anchorage District Court
Appointed 1983



Judge Peter Ashman
Anchorage District Court
Appointed 1987



Judge M. Francis Neville
Homer District Court
Appointed 1990



Judge John Lohff
Anchorage District Court
Appointed 1991



Judge Gregory Motyka
Anchorage District Court
Appointed 1991



Judge Sigurd Murphy
Anchorage District Court
Appointed 1992

DISTRICT COURT JUDGES
continued

THIRD JUDICIAL DISTRICT - continued



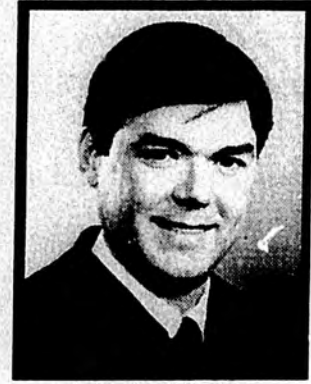
Judge Stephanie Rhoades
Anchorage District Court
Appointed 1992



Judge James Wanamaker
Anchorage District Court
Appointed 1993



Judge Stephanie Joannides
Anchorage District Court
Appointed 1994



Judge Joel H. Bolger
Valdez District Court
Appointed 1997

Not pictured: Palmer District Court Judge Suzanne Lombardi
Appointed 1997

FOURTH JUDICIAL DISTRICT



Judge Jane Kauvar
Fairbanks District Court
Appointed 1981



Judge Mark Wood
Fairbanks District Court
Appointed 1993



Judge Raymond Funk
Fairbanks District Court
Appointed 1998

STATEWIDE COURT ADMINISTRATION

Statewide court administration is the responsibility of the chief justice of the supreme court. By court rule, this responsibility is delegated to the administrative director of the courts subject to general guidelines set forth by the supreme court.

JUDICIAL EDUCATION

Judicial training takes several different forms. There is a statewide judicial conference each year for judges which includes training in specific areas of court procedures or operations. Judges are eligible on a rotating basis for training at the National Judicial College in Reno, Nevada. All magistrates attend at least one magistrate conference during a calendar year. During odd-numbered years, regional magistrate conferences are held for the four judicial districts and the Bethel area magistrates. A statewide magistrate conference is held in Anchorage during even-numbered years. Training judges, deputy training judges and staff of the administrative office regularly visit with magistrates for on-site training. The administrative office prepares written educational materials that are distributed to magistrates.

THE JUDICIAL APPOINTMENT PROCESS

The governor appoints a supreme court justice or a judge of the court of appeals, superior court, or district court from a list of qualified candidates submitted by the Alaska Judicial Council. The governor has 45 days from receipt of the list to make the appointment.

In order to be eligible for appointment to the **supreme court**, a person must be a citizen of the United States and a resident of Alaska for five years prior to appointment. A justice must be licensed to practice law in Alaska at the time of appointment and must have engaged in the active practice of law for eight years.

A **court of appeals judge** must be a citizen of the United States; a resident of Alaska for five years immediately preceding appointment; have been engaged for not less than eight years immediately preceding appointment in the active practice of law; and at the time of appointment be licensed to practice law in Alaska.

The qualifications of a judge of the **superior court** are the same as for a supreme court justice, except only five years of active practice are necessary.

A **district court judge** must be 21 years of age; a citizen of the United States; a resident of the state for at least five years; and (1) be licensed to practice law in Alaska and have engaged in active practice of law for not less than three years immediately preceding appointment, or (2) have served for at least seven years as a magistrate in the state and have graduated from an accredited law school.

Magistrates are not appointed by the governor nor are their qualifications reviewed by the Alaska Judicial Council. Their appointments are made for an indefinite period by the presiding judge of the judicial district in which they will serve. Each magistrate serves at the pleasure of the presiding judge. A magistrate does not have to be a lawyer. A magistrate must be 21 years of age, a United States citizen, and a citizen of Alaska for six months prior to appointment.

JUDICIAL RETENTION ELECTIONS

Each supreme court justice and each court of appeals judge is subject to approval or rejection by a majority of voters statewide on a nonpartisan ballot at the first general election held more than three years after appointment. Thereafter, each justice must participate in a retention election every ten years; each court of appeals judge must participate every eight years.

Each superior court judge is subject to approval or rejection by the voters in the judge's judicial district at the first general election held more than three years after appointment. Thereafter, the judge is subject to approval or rejection every sixth year. Each district court judge must also run in a retention election in his or her district at the first general election held more than two years after appointment, and then every fourth year thereafter. State laws that require judges to participate in retention elections do not apply to magistrates.

In November 1998, the following judges and justices participated in retention elections:

SUPREME COURT

Justice Robert L. Eastaugh

SUPERIOR COURT

Second District

Judge Michael I. Jeffery

Third District

Judge Beverly W. Cutler

Judge John Reese

Fourth District

Judge Niesje J. Steinkruger

DISTRICT COURT

First District

Judge Patricia Collins

Judge Peter Froehlich

Third District

Judge John R. Lohff

Judge Gregory Motyka

Third District - continued

Judge Sigurd E. Murphy

Judge M. Francis Neville

Judge Stephanie Rhoades

Fourth District

Judge Jane F. Kauvar

All of these members of the judiciary were retained by the voters.

THE COMMISSION ON JUDICIAL CONDUCT

The Commission on Judicial Conduct is a constitutionally created state agency separate from the court system. The commission consists of nine members: three state court judges or justices, three lawyers with at least ten years legal practice in Alaska, and three persons who are not lawyers or judges. The chief function of the commission is to investigate complaints of ethical misconduct against state judges and justices. The commission has the power to recommend that the supreme court sanction a justice or judge. Possible sanction recommendations include suspension, removal, retirement from office, or public or private censure. Since 1990, all formal hearings before the Commission on Judicial Conduct are public. In October 1997, the commission held the first public hearing under the 1990 statute.

In calendar year 1997, the commission received forty-nine complaints and processed a total of forty-three complaints. One formal complaint was filed by the commission against a judge during the year. At the end of 1997, the commission had nineteen pending complaints and one pending recommendation for discipline before the Alaska Supreme Court. The commission privately sanctioned one judge.

For more information regarding the Commission on Judicial Conduct, call (907) 272-1033 or toll-free 800-478-1033.

THE ALASKA JUDICIAL COUNCIL

The Alaska Judicial Council is an independent judicial branch agency created by the Alaska Constitution. It has three constitutional and statutory functions. First, the council solicits, screens and nominates applicants for gubernatorial appointments to vacant judgeships, the Alaska Public Defender and administrative tax law judges. Second, it evaluates judges standing for retention and publicizes information on judges and its retention recommendations. Third, the council conducts research to improve what the constitution refers to as "the administration of justice."

The judicial council is comprised of the chief justice, who serves as chairperson and ex officio member; three attorney members appointed by the Board of Governors of the Alaska Bar Association and three non-attorney members appointed by the governor and subject to confirmation by a majority of the members of the state legislature in joint session. Council members serve six-year terms.

The Alaska Judicial Council, which must report to the Alaska State Legislature and the Alaska Supreme Court at least once every two years, is assisted by an executive director and support staff.

For more information on the Alaska Judicial Council, call (907) 279-2526 or visit the Council's Internet site at www.ajc.state.ak.us.

BUDGET AND FISCAL AFFAIRS

The Alaska Legislature annually appropriates from the state's general fund all monies for the operation of the Alaska Court System. A statewide budget for all trial courts, the appellate courts and court administration is

prepared centrally by the administrative office.

The budget process for the court system begins with the submission of budget requests by the trial and appellate courts to the administrative director. The requests are reviewed with each judicial district's area court administrator and the clerk of the appellate courts. Then, these requests are modified to conform to the overall court budget plan. The court's budget request is reviewed and approved by the supreme court. Following legislative review and appropriation, funds are then allocated to the judicial districts, the appellate courts and the administrative office.

Since fiscal year 1988, the court experienced an average annual growth rate of approximately 2.2%. The court's FY 98 operating budget increased approximately 1.1% from the FY 97 level, which is partly attributable to a cost-of-living pay adjustment. The court system's budget represents approximately 1.3% of the State's operating budget.

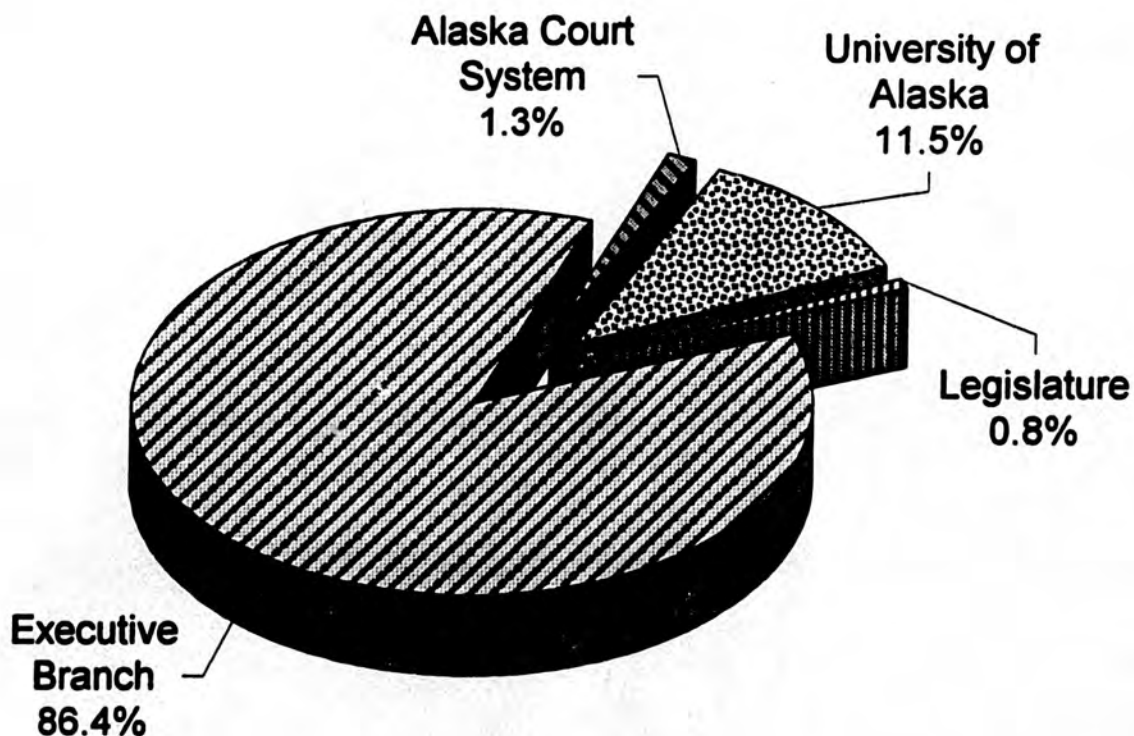
The actual expenditures incurred by the court system during fiscal year 1998 were \$48,653,000. These expenditures were incurred as follows: Appellate Courts, \$4,002,600; Trial Courts, \$38,438,700; and Administration \$6,211,700.

Personnel costs of \$37,767,700, represent approximately 78% of the total operating budget. Expenses for rent, maintenance, utilities, janitorial services and insurance on court facilities in fifty-nine locations across the state amounted to \$3,980,800. Jury fees totaled \$1,097,800. Due to the distances between courts, approximately \$1,055,000 was spent for travel including judicial, administrative, conference and juror transportation and living expenses. Other operating expenses of the court, including commodities, phones, postage, equipment rental, leasehold improvements and new equipment make up approximately \$4,751,700 of the annual expenditures.

Revenues generated by the courts are deposited in the state general fund, except those originating from municipal ordinance violations, which are disbursed to the respective municipalities. During fiscal year 1998, the court system collected \$5,859,600 in revenues. Revenues from fines and for-

feitures totaled \$3,649,100. Civil case filing fees (\$100 superior court, \$60 district court, \$25 small claims) totaled \$1,538,400. Clerical fees (notary, transcript, copies) and other miscellaneous receipts amounted to \$291,700. Cost recoveries totaled \$20,300 and interest on investments totaled \$360,100.

State of Alaska Fiscal Year 1998 Percentage of Operating Budget



Total State Operating Budget = \$3,837.6 million

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**Year
in
Review**



YEAR IN REVIEW

FIRST JUDICIAL DISTRICT



Kristen Carlisle
Area Court Administrator
First Judicial District

The first judicial district encompasses all of southeast Alaska and includes 13 courts located between Craig and Yakutat. The five combined trial court locations are Ketchikan, Juneau, Sitka, Wrangell and Petersburg. District courts are located in Angoon, Craig, Haines, Hoonah, Kake, Pelican, Skagway and Yakutat. Magistrates act as the judicial officers in these locations.

Personnel

The first judicial district experienced personnel turnover in a number of key positions within FY98, including the Rural Court Training Assistant, the first district custody investigator, the Juneau Clerk of Court and the magistrates in Skagway, Haines and Wrangell. Orientation and training in court procedures and policies continue and have been a major focus of personnel activity this year.

Court Programs

The fourth "Meet Your Judges" public forum was held in Petersburg in April 1998 with record participation from local citizens. Previous programs have been held in Juneau and Ketchikan.

Education and Training

Monthly scheduled workshops are held in the communities of Juneau, Ketchikan and Sitka for parties with children who are going through divorce or dissolution. The workshops are taught by the first district custody investigator and are designed to help parents focus on helping their children through the divorce process. When there are enough interested persons, special workshops are scheduled in the other southeast communities. All parents with children view a one hour video focusing on the best interests of the children during divorce.

Ketchikan was the location for a pilot program entitled "Counter Intelligence" in 1998. Twenty front counter clerks from all over the judicial district who routinely are the first to meet and serve court system customers gathered for two days to improve customer service skills and discuss improvements. This program will be offered in other judicial districts within the next year.

Facilities

Extensive remodeling of the courtrooms in Ketchikan was completed in 1998 to provide adequate work space for the clerk and security improvements for the judges. Temporary court facilities in Skagway were obtained to provide space during the remodeling of the Skagway City Hall which is over 100 years old. When completed, the Skagway court will have facilities for trials.

SECOND JUDICIAL DISTRICT



Tom Mize
Area Court Administrator
Second Judicial District

The second judicial district begins along the northwest coast of Alaska in the Norton Sound area south of Nome and extends north above the Arctic Circle and eastward across the entire width of the State of Alaska to the Canadian border. The three most populated communi-

ties in the district are Nome, Kotzebue, and Barrow.

Courts in the Community

Continued growth in case filings have stimulated cooperative efforts to help handle the additional workload. The Barrow court has partnered with the District Attorney, Public Defender, Probation, and other community agencies to hold weekly calendar meetings to identify and resolve probable calendar conflicts before they appear. The same court has monthly meetings with a variety of justice system agencies so that communication lines among all participants can remain open. The Nome court has adopted a policy of setting aside time when all court personnel (including judicial officers) stuff mailing envelopes to help offset additional requirements for distribution of copies of criminal judgments. In Kotzebue, the court has moved the start time for jury trials to later in the day to accommodate community needs, which has resulted in more jurors reporting for service.

The Kotzebue court has partnered with the Alaska Bar Association to provide community members with the opportunity to attend Continuing Legal Education video replays at no cost. Partnering also allowed the courts to

create an informative public education program that would normally be unavailable in such a remote community. This year's programs included such topics as "Politics, Public Policy and the Law," "Sexual Harassment," "Native Law," "Child Sexual Abuse," "Child Support," and "Domestic Partners."

The courts in Nome and Kotzebue continue to work with their communities on implementation of a youth court. All courts in the district are actively keeping their communities informed of court business by innovative approaches such as sentencing convicted residents in their home village rather than at a hub location. Sentencing is often conducted at the local school, commonly the community's largest building, with students, village elders, and members of the public in attendance. Afterwards the judge is available for discussions on the judicial process.

The November 1997 election returned Barrow to a "damp" status from its previous "dry" status, therefore allowing the importation of alcohol. Criminal case filings have now doubled, with no new positions added to the clerk's office. Despite the intense workload, Judge Jeffery, Magistrate Hegyi, and Clerk of Court Peggy Barnebey have maintained an active involvement in the Barrow community. All three recently worked with consulting attorneys to actively support a mock trial for two fifth grade classes. The students acted as prosecuting and defense attorneys, jurors, witnesses, and the in-court clerk, and two student judges were present on the bench with Judge Jeffery. For the students, the mock trial (headlined Justice for 'Bubba') was a serious event. The students became so involved in the process that jury deliberations had to continue at the elementary school after the trial's allotted time was over at the courthouse. Students returned the next morning to hear the jury announce a verdict of guilty. Afterwards, many of the students expressed their appreciation and their interest in justice system careers.

Personnel

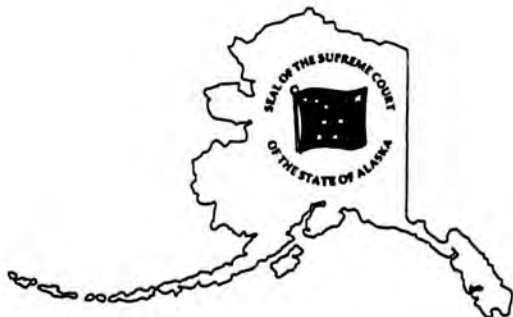
Nome Superior Court Judge Esch, Magistrate Clark, and Magistrate Gater were appointed training judges for the second judicial district. Heidi Erickson was appointed as Magistrate in Unalakleet replacing Middy Johnson who resigned to become the community's Chief of Police.

Facilities

Modifications to comply with the Americans with Disabilities Act have been completed in the Kotzebue Courthouse. Lumber has been purchased for the Ambler magistrate post for the construction of shelving.

Education and Training

Clerks of Court attended Phase I of the new core curriculum for supervisors held in Fairbanks. Phase II is scheduled for early FY99. Deputy Clerks of Court attended a seminar for new supervisors held in Anchorage. This year began our first year working to develop a mentoring program by deploying experienced clerks with particular job skills to assist other clerks within the district. The purpose of this program is to share knowledge among the clerks and to develop a chain of communication for increasing performance and education.



THIRD JUDICIAL DISTRICT

The third judicial district holds court in fifteen locations across a geographical area stretching from Glennallen to Unalaska. The district, which handles 60% of the state court filings, includes single magistrate sites in small rural communities as well as Anchorage, Alaska's largest city.



Wendy Lyford
Area Court Administrator
Third Judicial District

The third district's judicial staff consists of 16 superior court judges, 10 district court judges and 9 magistrates. In FY98, the district lost the services of two long time magistrates when Mary Hawkins of Unalaska and William Garrison of Naknek retired. Tim Jannott joined the court system in September 1998 as the Unalaska magistrate.

In FY98, the third district began planning for a major addition to the Palmer courthouse, one of the district's busiest and fastest growing courts. Renovations also continued in the Boney Memorial Courthouse in Anchorage, home to the Alaska Supreme Court, Court of Appeals, state law library and several trial court operations. The work is primarily focused on addressing long term maintenance needs and code violations. The renovation project will also improve significantly the areas of the courthouse serving domestic violence customers. The renovation, to be completed in the fall of 1998, will create special areas to provide more privacy for families and children, as well as space for consultation between victims and advocates. The renovated space will offer a safer and more comfortable environment for those accessing the court for domestic violence orders, which are available 24-hours a day.

FOURTH JUDICIAL DISTRICT



Ronald J. Woods
Area Court Administrator
Fourth Judicial District

The fourth judicial district extends from the Canadian border on the east of the state to the Bering Sea on the west. The vast size of the district makes it the largest state trial court judicial district in the United States.

Six superior court judges, three district judges, twelve magistrates, and two standing masters sit in the district. There are fourteen court sites and a total of eighty-nine administrative/judicial support positions. Six law clerk positions serve the superior courts: five are based in Fairbanks and one in Bethel.

Personnel

Judge Charles E. Pengilly was appointed to the superior court bench after having served for seven years as a Fairbanks district court judge. The appointment of Judge Raymond M. Funk filled the district court vacancy created by Judge Pengilly's elevation to the superior court.

Chief Justice Matthews presided over a retirement ceremony held in Bethel for Emmonak Magistrate Dorothy Kameroff in June 1998. Magistrate Kameroff served the community of Emmonak for twenty-seven years. Chief Justice Matthews presented to Magistrate Kameroff a plaque signed by all the Alaska Supreme Court justices in recognition of her many years of outstanding service. In another ceremony the same day, Chief Justice Matthews presided over the installation of Magistrate Ron Self, who was appointed to fill the Emmonak position.

Magistrates Margaret Murphy and Joseph Miller were appointed to fill vacancies in Aniak and Tok respectively. In June 1998 the legislature appropriated funding for a standing master in Fairbanks to support the increasing children's caseload demands.

ADMINISTRATION

HUMAN RESOURCES

The Human Resources Department is located in Anchorage and serves employees and members of the public throughout Alaska. Human Resources has system-wide responsibility for recruitment, classification, compensation, labor and employee relations, training and development, personnel record maintenance, and benefits coordination.

Recruitment for the court system is centralized in Human Resources. This function includes recruiting applicants and screening applications. The court system recruits throughout the State of Alaska for each job opening. Human Resources distributes recruitment bulletins to a list of organizations with a focus on attracting female and minority applicants for positions with the court system.

Human Resources also assists members of the public with recruitment questions.

Human Resources maintains a position classification system for analyzing and evaluating court system positions for placement within the classification structure.

The first collective bargaining agreement between the court system and the International Brotherhood of Electrical Workers (IBEW) union took effect July 1, 1996, and expires June 30, 1999. The IBEW represents approximately 290 court system employees. Human Resources administers this contract. Human Resources also assists supervisors and employees in conflict resolution, employee relations, and other issues of personnel management.

Human Resources administers the program for the training and development of non-judicial employees. This includes employee development and supervisory training.

6/30/98

Classified and Non-Classified Judicial Employees

Salary Range(s)	Caucasian		Alaska Native		African-American/Black		American Indian/ Native American*		Hispanic*		Asian/Pacific Islander		Other Minorities		Total			
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Vacant	Total
Range 6-8	2	25	0	6	2	1	0	0	0	0	0	1	2	0	6	33	7	46
Range 10	12	104	0	18	4	5	0	0	2	0	0	5	3	5	21	137	18	176
Range 12	4	104	0	14	0	4	0	0	0	1	0	4	0	6	4	133	8	145
Range 13-14	0	34	0	5	0	2	0	0	0	0	0	0	1	2	1	43	3	47
Range 15-20	11	27	0	1	1	1	0	0	0	0	0	0	0	0	12	29	7	48
Range 21+	15	19	0	0	0	0	0	0	0	0	0	0	1	1	16	20	2	38
Total Employees	44	313	0	44	7	13	0	0	2	1	0	10	7	14	60	395	45	500
Percentage	8.8	62.6	0.0	8.8	1.4	2.6	0.0	0.0	0.4	0.2	0.0	2.0	1.4	2.8	12.0	79.0	9.0	100.0

Judicial Officers and Law Clerks

Classification	Caucasian		Alaska Native		African-American/Black		American Indian/ Native American*		Hispanic*		Asian/Pacific Islander		Other Minorities		Total			
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Vacant	Total
Appellate Court Justice/Judge	7	1	0	0	0	0	0	0	0	0	0	0	0	0	7	1	0	8
Superior Court Judge	23	5	0	0	1	0	0	0	0	0	1	0	2	0	27	5	0	32
District Court Judge	11	6	0	0	0	0	0	0	0	0	0	0	0	0	11	6	0	17
Magistrates	14	13	3	3	0	0	0	0	0	0	0	0	0	0	17	16	25	58
Law Clerks	22	25	0	0	0	0	0	0	1	0	1	1	0	0	24	26	3	53
Total Employees	77	50	3	3	1	0	0	0	1	0	2	1	2	0	86	54	28	168
Percentage	45.8	29.7	1.8	1.8	0.6	0.0	0.0	0.0	0.6	0.0	1.2	0.6	1.2	0.0	51.2	32.1	16.7	100.0

The total number of positions reported above is greater than the number of budgeted positions due to allocating certain full-time positions into multiple part-time positions.

*New categories established 1/1/98

ADMINISTRATION

continued

SYNOPSIS OF LEGISLATIVE ACTION

During the 1998 legislative session, the legislature passed SB 195 (Chapter 20 SLA 1998), which deals with so-called "common law liens." These liens (although never part of the common law and not really liens at all) are documents recorded like legitimate liens but without meeting the corresponding legal requirements. Rather than security for a debt, these documents are recorded in retaliation for action taken by public officials (typically judges, clerks, prosecutors, lawmakers, law enforcement officers, and others). In Alaska, common law liens have been recorded against the property of the members of the Anchorage Municipal Assembly (in retaliation for a zoning enforcement action) and several other local and state officials. Several court employees have been threatened with having liens recorded against their property. These liens are generally for hundreds of thousands or even millions of dollars. Although legally ineffective, common law liens can cloud the title to property and make selling or borrowing against that property expensive and time consuming.

Senate Bill 195, introduced by request of the supreme court, makes it a crime for a person to record a common law lien and clearly establishes that such liens are invalid. The bill also provides for expedited procedures to have a notice of invalidity placed in the property record if such a lien is recorded.

Several bills dealing with children and family issues passed the legislature this year. Of particular importance to the court system was HB 375 (Chapter 99 SLA 1998), which is a major revision of the state's child protection laws. This bill increases the ability of the Division of Family and Youth Services (DFYS) to intervene on behalf of at-risk children and shortens many of the time lines that must be

met by the department as well as the court. It also makes significant changes to the laws, procedures and time lines governing termination proceedings. The Department of Law and DFYS, in conjunction with the court, are providing judicial training on the many aspects of the new law that will affect how the court handles child protection cases.

In addition to HB 375, the legislature approved additional funding to allow the state to pursue more aggressively reports of harm against children. The funds will be used to staff several new positions in both DFYS and the Department of Law. The court system also received some funding to handle the corresponding increase in child protection and termination proceedings.

HB 335 (Chapter 133 SLA 1998) replaces the Uniform Child Custody Jurisdiction Act with the Uniform Child Custody Jurisdiction and Enforcement Act. HB 344 (Chapter 132 SLA 1998) makes several changes to the laws governing child support enforcement. House Bill 344 includes a provision (with a delayed effective date) that prohibits a court from granting a noncustodial parent an unconditional right to claim a child as a dependant under federal tax laws. The court may grant a conditional right contingent upon the noncustodial parent not being in arrears in his or her child support payments. HB 199 (Chapter 42 SLA 1998) allows married persons the option of entering into an agreement to have some or all of their marital assets treated as community property and defines the legal status of such property.

In the criminal law context, the legislature passed HB 16 (Chapter 107 SLA 1998). This bill, in addition to making several changes related to juvenile delinquency procedures and records, provides that some juveniles charged with certain felony offenses will receive both a juvenile disposition and an adult sentence ("dual sentencing"). The adult sentence, which must include some jail time, is triggered if the juvenile does not abide by the terms of his or her juvenile disposition.

HB 245 (Chapter 86 SLA 1998) increases the penalties for certain crimes involving domestic violence. The new law also creates the crime of "unlawful contact in the first degree" for a person who, having been ordered not to contact a victim or witness, does so either directly or indirectly. The law creates the crime of "unlawful contact in the second degree" for a person who, having been arrested for a crime under AS 11.41 or a crime involving domestic violence, contacts or attempts to contact the victim prior to the person's initial appearance or dismissal of the charge. HB 252 (Chapter 106 SLA 1998) makes several changes to the sex offender registration laws (including making the crime of failure to register in the first degree a class C felony) and makes the crime of child kidnapping subject to the registration requirements. Another bill, SB 323 (Chapter 81 SLA 1998) also expands the scope of the sex offender registration requirements by including certain indecent exposure convictions.

LAW LIBRARY

The court system maintains law libraries at 17 court locations for the use of the judiciary, attorneys and the general public. The Anchorage Law Library is the administrative headquarters of the library system and is the primary legal research library in the state.

Professional librarians in Anchorage provide statewide reference assistance, interlibrary loans, and document retrieval services. They are also responsible for collection development statewide, supervision of branch libraries, and systems administration for all computerized library operations.

The Anchorage Law Library maintains a comprehensive collection of state and federal statutory, administrative and case law; Alaska and federal legislative history materials; American law reviews; legal encyclopedias; looseleaf services; treatises and other secondary source material. The library also houses a collection of 18th and 19th century

American case reports. The library is a depository for federal documents and for publications produced through the State Justice Institute grant program. Library resources are available in a variety of formats including print, microform, video, CD-ROM, and computer disk.

Library staff members manage the Alaska Court System Home Page. Electronic distribution of court information allows attorneys and the general public to access appellate court slip opinions within hours of their release. Alaska Court System resources are continually being added to the home page. In addition to slip opinions, users can access Supreme Court Orders, Court of Appeals MOJs, Alaska Rules of Court, appellate court argument calendars, Anchorage and Fairbanks district and superior court calendars, court system forms and pamphlets, court system recruitment bulletins, Alaska Bar Association Ethics Opinions, and the Directory of Mediators.

The home page provides links to federal legal resources and to other Alaska legal resources including the Alaska Judicial Council, the Alaska Commission on Judicial Conduct, the Alaska Bar Association, the Alaska Statutes, administrative code, administrative journal, constitution, executive orders, and Alaska legislative information.

FACILITIES

The Alaska Court System maintains court facilities in fifty-nine locations throughout the state. These facilities range from large multi-courtroom facilities to one room magistrate offices—from the 353,000 square feet of the Anchorage trial and appellate court facilities to the 117 square feet area that houses a rural magistrate in Skagway. Fourteen of the court locations are housed in buildings owned by the state. The remaining locations are housed in space leased from the private sector or municipalities. The court system occupies approximately 790,000 square feet of space statewide. Approximately 50

percent of the statewide court system space is located in Anchorage, Juneau and Fairbanks.

Deferred maintenance needs at many court facilities are continuing concerns. Although a few projects have been completed over the last four fiscal years, the state-owned buildings housing court operations have significant renewal and replacement maintenance requirements that have not been adequately addressed. Many court facilities, such as the Juneau, Kotzebue, Ft. Yukon, Kodiak, Ketchikan, Valdez and Sitka courts, still need replacement roofs. It is well documented that buildings that do not receive adequate routine and preventive maintenance will deteriorate at an accelerated rate, reducing their useful lives. The nine-story Juneau court and office building continues to leak water at an ever increasing rate as patch and repair efforts fail to provide a waterproof exterior system. The court system, in conjunction with the northern region of DOT/PF, has managed to fund completion of bid documents for a replacement roof at Kotzebue, but both agencies have been unsuccessful in the quest for construction funds. The building has serious leaking problems in the 4 to 6 months when temperatures are above 28 degrees.

While energy upgrades have been accomplished in the Anchorage and Fairbanks courthouses, several of the larger state-owned court buildings need improvements to make them more energy efficient and to reduce operating costs. These simple but effective improvements include the installation of motion and light level sensors as well as low watt, long-life fixtures designed to save electricity consumption. The result has been a significant decrease in consumption. Energy evaluations need to be completed at each major facility and appropriate installation of devices and fixtures should take place. In these types of projects, costs of installation are usually recouped during the first year of operation.

During FY98 the court system continued its efforts to comply with the American with Disabilities Act of 1990. With money appropriated by the legislature in FY 96, the Department of Transportation and Public Facilities (DOT/PF) and the court participated in projects to complete improvements in Fairbanks, Kodiak, and Kotzebue to bring these buildings into compliance. With the exception of Kotzebue, work at these sites has been completed. Utilizing FY98 funds, preparation of bid documents is underway for the Ketchikan and the Boney Court Building in Anchorage

Anchorage: The new trial court building located on block 29 was occupied in May 1996. Work consisting of the demolition of the original district court building and construction of parking and plaza areas was completed in October 1997.

The older Boney building was remodeled, including the addition of a fire safety (sprinkler and alarm) system. Other projects have included a new proximity card key security system as well as a communications wiring upgrade. Remodeling will continue through FY99.

Code problems were identified and resolved for the building at 444 H. Street.

Fairbanks: The project to construct a 100,000-sq. ft. courthouse to replace the current facility is well underway. Site acquisition, environmental assessment and schematic design phases have all been completed. The site work and construction phases are scheduled for FY99. The projected occupancy date is February 2001.

Ketchikan Remodel: Remodel of the in-court clerk stations and witness stands in three courtrooms was completed in mid-January 1997. This remodel work brought the facility into compliance with ADA standards and provided accommodation for computer and recording equipment creating more functional courtrooms.

Kotzebue Roof: DOT/PF completed design of a new roof to replace the badly failing one on the Kotzebue courthouse. The project is awaiting construction funding.

Bethel: The court received funds in FY98 to expand court space in the Bethel court facility (leased from the City of Bethel) because of increased caseloads. Design work is currently progressing.

Fiber Optic Connection: A fiber optic and copper connection was established in FY98 between the Anchorage administrative and trial court buildings. This connection will allow for networking of phone systems and computer operations, providing increased efficiency and improved staff communication.

Year 2000: With the millennium on the immediate horizon, the embedded chip problem poses a potential to disrupt vital facilities services. Agencies that manage many of the court system buildings have assessed equipment and are now contacting the appropriate manufacturers in an effort to resolve any date change problems. Other states have developed Y2000 facility resource departments and published valuable recommendations for assistance with the Y2000 transition.

INFORMATION SYSTEMS SUPPORT

During FY98 the Information Systems Support department ("ISS") worked aggressively to plan and accomplish technology upgrades in several areas. The most significant of these is the effort to make the court's existing case management system Year 2000 compliant. This requires changes to the software and replacement of all the Unix servers and communication equipment. Other technology upgrade projects to modernize audio recording and electronic equipment were started and will continue into FY99. These include the replacement of all the hearing assistance equipment, replacement of cassette tape

equipment (duplicators, reformatters and some recorders), replacement of old PCs and the acquisition of digital recording equipment for courtrooms. The equipment to be replaced is antiquated and failing, and in some cases replacement parts are no longer available.

The CIPS-2000 project, to develop a more comprehensive and useful court information system, was started during FY98. Plans were integrated with audio recording and electronic equipment projects to determine shared requirements and project tasks in order to avoid duplication of work. This integration also combines work tasks, reducing the impact of improvement work at each court location and reducing the travel costs by minimizing trips. The CIPS-2000 computers can support either a modern version of Unix or NT. They replace old 486 PCs running multiple versions of Unix and thus provide a longer equipment life cycle. The 36 existing Unix systems are configured several ways, using a variety of non-standard components. These systems will be replaced by 32 servers using open system standard components and a single version of Unix. Three new systems are being tested by ISS. Deployment of the new systems is scheduled from September 98 through March of 99.

During this period the Administrative Offices installed a Local Area Network (LAN), and MS-NT system in the Snowden building. This LAN will be expanded to include 3rd District staff in the Nesbett and Boney buildings, tying the Anchorage "campus" of three buildings together. The court took advantage of city construction on H Street to install conduits between the Snowden and Nesbett buildings. Installation of phone and fiber cables is scheduled for August 98. As part of the audio recording and electronic equipment infrastructure requirements, a modern network of cables, switches and hubs were installed in all three Anchorage buildings, and the Juneau, Palmer and Bethel courthouses. This rewiring of courthouses is scheduled to continue through FY99. For the large

buildings fiber optic cables are used vertically to provide high bandwidth capabilities.

As part of the audio recording and electronic equipment improvements, the PCs and terminals in judicial offices are being replaced with modern PCs. These systems will eventually be connected to the digital recording system networks in each courthouse.

During the coming year ISS will:

- ✓ Complete the CIPS-2000 projects by installing new servers and revised software in all the automated courts.
- ✓ Upgrade the communication infrastructure in all courthouses. This includes installing Cat 5 wire and (depending upon the size of the court) installation of switches, hubs and multi-port devices. In Anchorage, Fairbanks and Juneau fiber optic cables will be installed.
- ✓ Replace reformatters and duplicators; replace portable recorders.
- ✓ Install two-channel hearing assistive systems in all appellate, superior and district courtrooms. These systems can also be used for language translation.
- ✓ Acquire a contract for the installation of digital recording systems. Install the first systems in Anchorage, Juneau and Fairbanks.
- ✓ Provide all superior and district court judges with PCs in their chambers and for their staff.

ISS will also establish a knowledge based Help Desk and digital documentation for on-line support of installed systems.

FISCAL OPERATIONS

Fiscal Operations is responsible for the financial affairs of the court system and some other centralized services. It includes general accounting, purchasing, finance, statistical information, jury management, micrographics, central court supply, mailroom and the print shop.

General accounting pays all court bills, collects and accounts for revenues, prepares payroll, processes travel claims and maintains court trust fund records. The purchasing division procures supplies, equipment and contractual services, and maintains supply and property inventories. The finance division prepares and administers the operating and capital budgets, prepares legislative fiscal analyses, conducts internal audits, maintains court salary schedules, manages grant finances, establishes and monitors banking contracts, and develops and administers fiscal policies for the trial and appellate courts. The jury management/statistical section maintains the master list of jurors and coordinates the preparation and distribution of juror qualification questionnaires. Additionally, staff assists the courts in selecting jury panels, analyzing juror usage and paying jurors. This section also prepares quarterly and yearly statistical reports and enters traffic dispositions.

Micrographics is the central collection point for all case files requiring conversion to microfilm and for the long-term storage of audio tapes of court proceedings. Annually, micrographics converts over 3 million documents from paper form to microfilm and adds over 26,000 audio tapes to storage. The supply division receives, stores and issues supplies and forms for courts statewide. Mail services for the administrative office are handled by the mailroom. The print shop provides centralized offset printing and duplication services for the court system and other state and federal agencies. Each year

the print shop produces over 10 million documents.

During the year, Fiscal Operations participated in the following projects and activities:

Annual Report Statistical Information: Fiscal Operations assumed responsibility for preparing the statistical section of the court system's annual report. Previously, the statistical section was prepared manually. Fiscal Operations staff entered case filings and dispositions into an electronic spreadsheet and created formula-based, interrelated tables and graphs. Automation of the process will provide more accurate information and easier updating in future years.

Purchasing Catalog: After several years of preparation and review, the court system's supply catalog was completely revised. The new purchasing catalog is designed to guide court staff through the process with detailed instructions for preparing requisitions for supplies, equipment, and printed materials. The catalog contains listings of all on-hand supply items and detailed descriptions of commonly ordered equipment. Other sections contain guidelines for managing court property, transferring or surplusizing excess property and minimizing inventories.

Retirement Incentive Program: Fiscal Operations staff updated the court system's retirement incentive plan for the second offering of early retirement benefits. Employees who met service and age requirements were eligible to retire if a cost saving would result from their retirement. Since inception, 30 employees have retired under the program.

Budget Process Improvements: This year, the trial courts were given the option of preparing their annual operating budget requests electronically. Using a specially designed spreadsheet from Fiscal Operations, budget managers could prepare and automatically summarize their judicial district's financial

needs. Information from approved requests was easily transferred into the combined court system budget request.

Jury Questionnaire: Fiscal Operations staff redesigned the qualification questionnaire that is sent to prospective jurors statewide. The method of processing, printing and distributing the form was completely revised to provide more efficient handling and to comply with new postal regulations. The court system issues over 50,000 questionnaires annually.

Timesheet Revisions: Payroll staff and Human Resources staff revised existing timesheets and created new timesheets to accommodate all classifications of employees. This included creating simplified procedures for timekeeping and reporting. These revisions have reduced the amount of effort needed to process the semi-monthly payroll for the over 700 court employees.

Criminal Rule 8: Fiscal staff played an instrumental part in the implementation of a revision to District Court Criminal Rule 8. The revision allows the court to enter a judgment of conviction when a person fails to respond to a citation issued in a traffic or minor offense case. The person is required to pay court and collection costs in addition to fines/penalties. Staff assisted in the modification of bookkeeping computer programs and the development of procedures and instructions.

For the second consecutive year, a Fiscal Operations staff member was recognized as the "Employee of the Quarter" for outstanding service to the courts.

MAGISTRATE SERVICES

Several regional magistrate conferences were held during the fall of 1997. The magistrates from the Second Judicial District met in Kotzebue on October 2-3, where they addressed topics including new legislation, search warrants, and domestic violence

issues. Third Judicial District magistrates met in Anchorage at the Snowden Training Center on October 13-16. Topics for the Anchorage conference included new legislation and rules, child support enforcement, and domestic violence. Fairbanks and Interior magistrates (Fourth Judicial District) met in Fairbanks on October 27-31 to discuss search warrants, fish & game issues, new rules and legislation, evidence, and domestic violence. Bethel area magistrates discussed new legislation, supervision, customer service, interpreters in the courts, and domestic violence on November 3-7 in Bethel. Conferences in which domestic violence issues were addressed were funded in part with federal Violence Against Women Act grants.

Other magistrate-related projects which were begun in FY98 included a new arraignment benchbook, the development of a computer database for small magistrate courts, updates for the magistrate correspondence course, and a review of the magistrate performance evaluation system.

JUDICIAL EDUCATION

Annual Judicial Conference. The 1998 Alaska Judicial Conference was held in Girdwood on May 6, 7 and 8. Conference topics included:

- Ethics: New Code of Judicial Conduct
- Alaska Appellate Decisions Update
- U.S. Supreme Court Decisions Update
- Advanced Legal Writing
- Opinion Writing for Judges
- A Global Perspective on the Law
- Current Native Law Issues

Special Conference on Alternative Dispute Resolution. On October 22-23, 1998, a judges' conference on alternative dispute resolution was held in Girdwood, Alaska. This conference was supported by a grant from the State Justice Institute, and was conducted in cooperation with the federal court.

Trial Court Performance Standards. On October 20-21, 1998 forty judges and court employees met in Girdwood to study the National Trial Court Performance Standards. The conference was supported by a grant from the State Justice Institute.

CLERKS CONFERENCE

The 1998 Statewide Deputy Magistrate/Clerks Conference was held in Anchorage the week of December 7, 1998. Approximately thirty-five deputy magistrates, clerks of court, rural court training assistants, and area court administrators participated in this year's conference. Three days were set aside for deputy magistrate training and two days for clerk of court training.

The deputy magistrates received training in five key areas: domestic violence, Child In Need of Aid (CINA) and Delinquency cases, the Code of Judicial Conduct, search warrants, and arraignments in criminal cases. The training was conducted by four training judges and by Judge David Mannheimer of the Court of Appeals, who chaired the committee which revised the Code of Judicial Conduct.

Clerks of court received training on the court's sexual harassment policy, the Americans with Disabilities Act and issues relating to the court's customers who have hearing disabilities, technological developments in the court, rule changes, and new legislation. Clerks also gathered in groups and discussed goals for improving customer service in their districts.

SPECIAL TASK FORCES & COMMITTEES

Fairness and Access Implementation Committee.

The Fairness and Access Implementation Committee is continuing the work of the court's original Fairness and Access Committee, which issued its final report in October 1997. The original eight member committee, with the assistance of an extensive network of subcommittees, spent 20 months examining racial and ethnic bias issues. The committee's report made 21 recommendations.

The implementation committee, chaired by Justice Bob Eastaugh and Superior Court Judge Meg Greene, is working to implement many of the original committee's recommendations. Subcommittees are working on projects in five areas: rural services, public education, local dispute resolution, language and interpreters, and juries.

Projects completed or underway include a cultural navigator/court facilitator pilot project; diversity training for all court staff and a two-day conference/retreat for judges and court staff linking the findings of the original committee's report with the national Trial Court Performance Standards.

Projects planned for the immediate future include development of a new Affirmative Action Plan and an "On-Line Encyclopedia of Resources for Criminal and Family Courts." In 1999 federal OJJD funds will be used to add additional judicial and staff resources for the Yukon-Kuskokwim Delta, as recommended by the original committee. The Human Resources Department is continuing work on a variety of efforts to encourage members of minority groups to apply for jobs with the court system, increase minority hires and support minority in-house promotions. An interpreter advisory committee is being formed to advise the court system about the adoption of an interpreter code of ethics and an orientation class for interpreters.

Statewide Task Force on Access to Civil Justice.

This task force, chaired by Justice Dana Fabe, is investigating, planning and recommending methods to improve the delivery of civil legal assistance and to increase access to justice for the citizens of Alaska.

Six subcommittees have forwarded reports and recommendations to the steering committee. Recommendations focus on improving assistance to pro se litigants, encouraging lawyers to provide pro bono assistance, developing community legal support and education, and supporting the efforts of Alaska Legal Services. The task force at large will meet in February 1999 to consider the subcommittee recommendations.

Alaska State-Federal Courts Gender Equality Task Force.

This task force was originally formed in October 1993 as an arm of the Joint State-Federal Judicial Council. The task force is currently chaired by U.S. District Court Judge James Singleton and Justice Dana Fabe.

The final report of the original task force was issued in 1996. The task force then moved into implementation work. Recent projects have included an updating and republishing of an Alaska Women's Rights Handbook, the development and display of a "Women in Alaska Law" historical archive, and training programs.

Child Support Guidelines Review Committee.

Federal law requires the states to review their child support guidelines every four years. The Child Support Guidelines Committee was appointed by Chief Justice Matthews in October 1997 to review Civil Rule 90.3, the Alaska Court System's child support guidelines.

The committee is chaired by Bill Cotton, Director of the Alaska Judicial Council. The committee's work and recommendations will be considered by the supreme court in 1999.

Indigency Guidelines Committee.

This committee was appointed in April 1996. The committee was charged to develop standards or guidelines for judges to use in determining a person's eligibility for appointment of counsel at public expense.

The committee's final report was sent to the supreme court in November 1998. The supreme court has adopted new rules based upon the committee's recommendations, which will be effective in May 1999.

The committee was chaired by District Court Judge Peter Ashman.

Interagency Child Support Committee.

This interagency effort was initiated in January 1997. Representatives from the Alaska Court System, the Child Support Enforcement Division and the Department of Law are working to improve the efficiency of the systems for modifying and enforcing child support orders.

The committee meets almost monthly. The committee is chaired by Special Projects Manager Susan Miller.

The committee is working on several projects, including: revision of the child support standard orders due to a change in CSED policy, a review of the necessity of court ordered child support in children's cases, a reference guide for judges containing a variety of information about the child support process and CSED, a parent's guide about children in the court system; training and assistance for court employees (and eventually the public) in calculation of child support, and pro se forms and instructions for modification of child support, modification of custody, and modification of enforcement of visitation.

Access and Visitation Committee.

This committee, chaired by Special Projects Manager Susan Miller, is administering federal funds and designing programs to support and facilitate non-custodial parents' access to and visitation of their children. Underway is a new program in the Anchorage court to provide mediation services for custody and visitation disputes.

Court Improvement Project Committee.

This committee is chaired by Justice Alex Bryner and Superior Court Judge Niesje Steinkruger. The committee is pursuing a variety of projects to streamline the child in need of aid procedures, especially with regard to timely process of termination cases. Current projects include judicial and staff training, pilot mediation projects, preparation of a judicial bench book, analysis of case processing times for certain cases, revision of case management software to better track CINA cases, and joint sponsorship of multi-disciplinary Indian Child Welfare Act training for the south central region.

Statistical Summaries



SUPREME COURT ACTIVITY

Filings: During FY 98, 541 cases were filed in the supreme court, an 11% increase from the 486 filings in FY 97. Filings decreased by 45% in original applications. There was an increase of 13% in civil appeals, an increase of 21% in criminal petitions and an increase of 14% in civil petitions. For details about filings in various categories of cases from FY 91 through FY 98, see Table III.

Dispositions: The supreme court disposed of 521 cases in FY 98, a 6% decrease from 556 dispositions in FY 97. The court issued 192 published opinions and 31 MO&J's. The remaining 298 dispositions were not on the merits. For details about the dispositions by type and caseload composition in FY 98, see Table II. For comparisons of dispositions by type and caseload composition from FY 91 through FY 98, see Table III.

Pending Caseload: On June 30, 1998, 524 cases were pending, a 4% increase from the 504 cases pending at the end of FY 97. (The FY 97 figure is corrected due to an error which was discovered during the preparation of this report.) Most of these pending cases (60.7%) were at a pre-submission to the court stage (awaiting record, awaiting briefs or awaiting hearing), 1.7% were stayed or remanded, and the remaining 37.6% were under advisement (submitted to the court but awaiting circulation of a draft opinion, filing of an opinion, or a decision on a petition). For a comparison of cases pending at year's end according to case composition from FY 91 through FY 98, see Table III. For a breakdown of reasons for cases pending at the end of FY 98 according to case composition, see Table V.

Time Required for Disposition of Cases: As shown on Table VI, the average time from submission of the last brief to oral argument or conference on the briefs is 3.8 months. The average time from argument or submission until a decision is issued is 9.2 months.

**Supreme Court
Summary of Filings
FY 95 — FY 98**

Type of Case	FY 95	FY 96	FY 97	FY 98	Change	
					FY 95 to FY 98	FY 97 to FY 98
Civil Appeals	536	310	264	297	-45%	13%
Petitions for Hearing	100	81	85	103	3%	21%
Petitions for Review	100	104	115	129	29%	12%
Original Applications	17	23	22	12	-29%	-45%
Total	753	518	486	541	-28%	11%

Fiscal Year July 1 — June 30

**Supreme Court
Summary of Dispositions
FY 95 — FY 98**

Type of Case	FY 95	FY 96	FY 97	FY 98	Change	
					FY 95 to FY 98	FY 97 to FY 98
Civil Appeals	258	606	329	299	16%	-9%
Petitions for Hearing	98	81	92	91	-7%	-1%
Petitions for Review	101	95	114	117	16%	3%
Original Applications	16	21	21	14	-13%	-33%
Total	473	803	556	521	10%	-6%

Fiscal Year July 1 — June 30

**Supreme Court
Dispositions by Type of Disposition
FY 98**

Type of Case	Disposition by		Total
	Merits	Not on Merits	
Civil Appeals	210	89	299
Petitions for Hearing	9	82	91
Petitions for Review	14	103	117
Original Applications	10	4	14
Total	243	278	521
% of Total	47%	53%	100%

Fiscal Year July 1 — June 30

**Supreme Court
Cases Pending**

Type of Case	FY 95	FY 96	FY 97 ^a	FY 98	Change	
					FY 95 to FY 98	FY 97 to FY 98
Civil Appeals	827	533	432	430	-48%	0%
Petitions for Hearing	20	21	32	44	120%	38%
Petitions for Review	25	34	34	46	84%	35%
Original Applications	7	9	6	4	-43%	-33%
Total	879	597	504	524	-40%	4%

Fiscal Year July 1 — June 30

^aThis column corrects errors which were discovered in FY 97 figures while this report was being prepared.

**Supreme Court
Reasons for Cases Pending
June 30, 1998**

Type of Case	Case Awaiting								Total
	Records	Briefs	Argument	Draft Opinion	Draft Opinion Circulating	Petition Decision	Rehearing/Record Return	Stayed	
Civil Appeals	69	134	53	92	63	2	9	8	430
Petitions for Hearing	1	23	0	2	3	14	1	0	44
Petitions for Review	5	27	3	1	1	9	0	0	46
Original Applications	0	3	0	0	0	0	0	1	4
Total	75	187	56	95	67	25	10	9	524
% of Total	14.3	35.7	10.7	18.1	12.8	4.8	1.9	1.7	100.0

COURT OF APPEALS ACTIVITY

Filing: During FY 98, 379 cases were filed in the court of appeals, a 2% decrease from the 386 filings in FY 97. The 279 merit appeals filed in FY 98 were an 11% increase from the 252 merit appeals filed in FY 97. The 57 sentence appeals filed in FY 98 were a 24% decrease from the 75 sentence appeals filed in FY 97, and the number of original applications filed increased from 1 in FY 97 to 4 in FY 98. The 39 petitions for review filed in FY 98 were a 33% decrease from the 58 petitions for review filed in FY 97. For a comparison of filings in various categories of cases from FY 91 through FY 98, see Table X.

Dispositions: The court of appeals disposed of 406 cases in FY 98, a 3% decrease from the 419 dispositions in FY 97. The court issued 73 published opinions, 235 MO&J's, and 84 dispositions were not on the merits. Fourteen petitions were granted without issuance of an opinion or MO&J. For details about the types and caseload composition of dispositions in FY 98, see Table IX. For comparisons of dispositions by type and caseload composition from FY 91 through FY 98, see Table X.

Pending Caseload: On June 30, 1998, 447 cases were pending, a 12% decrease from the 509 cases pending at the end of FY 97. (The FY 97 number was restated due to an error which was discovered while this report was being prepared.) Most of these pending cases (61.8%) were at a pre-submission to the court stage (awaiting record, awaiting briefs or awaiting hearing), 2.2% were stayed or remanded, and the remaining 36% were under advisement (submitted to the court but awaiting circulation of a draft opinion, filing of an opinion or a decision on a petition). For a comparison of cases pending at year's end according to case composition from FY 91 through FY 98, see Table X. For a breakdown of reasons for cases pending at the end of FY 98 according to case composition, see Table XII.

**Court of Appeals
Summary of Filings
FY 95 — FY 98**

Type of Case	FY 95	FY 96	FY 97	FY 98	Change	
					FY 95 to FY 98	FY 97 to FY 98
Merit Appeals	239	282	252	279	17%	11%
Sentence Appeals	151	102	75	57	-62%	-24%
Petitions for Review	44	46	58	39	-11%	-33%
Original Applications	2	2	1	4	100%	300%
Total	436	432	386	379	-13%	-2%

Fiscal Year July 1 — June 30

**Court of Appeals
Summary of Dispositions
FY 95 — FY 98**

Type of Case	FY 95	FY 96	FY 97	FY 98	Change	
					FY 95 to FY 98	FY 97 to FY 98
Merit Appeals	239	220	241	276	15%	15%
Sentence Appeals	137	145	112	82	-40%	-27%
Petitions for Review	43	50	64	44	2%	31%
Original Applications	3	1	2	4	33%	100%
Total	422	416	419	406	-4%	-3%

Fiscal Year July 1 — June 30

**Court of Appeals
Dispositions by Type of Disposition
FY 98**

Type of Case	Disposition by		Total
	Merits	Not on Merits	
Merit Appeals	232	44	276
Sentence Appeals	69	13	82
Petitions for Review	21	25	46
Original Applications	0	2	2
Total	322	84	406
% of Total	79%	21%	100%

Fiscal Year July 1 — June 30

**Court of Appeals
Cases Pending**

Type of Case	FY 95	FY 96	FY 97 ^a	FY 98	Change	
					FY 95 to FY 98	FY 97 to FY 98
Merit Appeals	318	380	396	375	18%	-5%
Sentence Appeals	138	95	92	60	-57%	-35%
Petitions for Review	10	6	22	12	20%	-45%
Original Applications	0	1	0	0	0%	0%
Total	466	482	510	447	-4%	-12%

Fiscal Year July 1 — June 30

^aThis column corrects errors which were discovered in FY 97 figures while this report was being prepared.

**Court of Appeals
Reasons for Cases Pending
June 30, 1998**

Type of Case	Case Awaiting								Total
	Records	Briefs	Argument or Sub- mission	Draft Dispo- sition	Draft Disposition Circulating	Petition Decision	Rehearing/ Record Return	Stayed and/or Remand	
Merit Appeals	90	131	21	73	36	0	16	8	375
Sentence Appeals	8	12	7	11	17	0	4	1	60
Petitions for Review	1	2	4	0	1	0	3	1	12
Original Applications	0	0	0	0	0	0	0	0	0
Total	99	145	32	84	54	0	23	10	447
% of Total	22.1	32.5	7.2	18.8	12.1	0	5.1	2.2	100.0

TRIAL COURT ACTIVITY

Filings: During FY 98, 148,226 cases were filed in the trial courts, a 12% increase from the 132,194 filings in FY 97.

Dispositions: The trial courts disposed of 144,668 cases in FY 98, a 14% increase from 126,895 dispositions in FY 97.

The following tables summarize the FY 98 trial court statistics. Comprehensive statistical tables describing the superior and district court caseloads are located in the statistical section at the back of this report.

Table I
Trial Courts Caseload Summary
FY 98

Court	Superior Court		District Court				Total	
	Filings	% of S. C. Total	Non-Traffic Filings	Traffic Filings *	Total Filings	% of D. C. Total	Filings	% of Statewide
Anchorage	11,328	53.4%	18,784	34,885	53,669	42.3%	64,997	43.9%
Barrow	302	1.4%	716	206	922	0.7%	1,224	0.8%
Bethel	765	3.6%	1,555	409	1,964	1.6%	2,729	1.8%
Cordova			202	294	496	0.4%	496	0.3%
Craig			796	264	1,060	0.8%	1,060	0.7%
Delta Junction			180	309	489	0.4%	489	0.3%
Dillingham	151	0.7%	727	138	865	0.7%	1,016	0.7%
Fairbanks	2,833	13.4%	6,515	8,567	15,082	11.9%	17,915	12.1%
Glennallen			261	867	1,128	0.9%	1,128	0.8%
Haines			198	234	432	0.3%	432	0.3%
Healy			50	384	434	0.3%	434	0.3%
Homer			970	1,805	2,775	2.2%	2,775	1.9%
Juneau	960	4.5%	6,056	2,493	8,549	6.7%	9,509	6.4%
Kenai	998	4.7%	3,112	6,125	9,237	7.3%	10,235	6.9%
Ketchikan	708	3.3%	1,954	1,033	2,987	2.4%	3,695	2.5%
Kodiak	422	2.0%	1,259	1,618	2,877	2.3%	3,299	2.2%
Kotzebue	282	1.3%	580	285	865	0.7%	1,147	0.8%
Naknek			280	94	374	0.3%	374	0.3%
Nenana			74	205	279	0.2%	279	0.2%
Nome	378	1.8%	963	175	1,138	0.9%	1,516	1.0%
Palmer	1,630	7.7%	3,396	9,126	12,522	9.9%	14,152	9.6%
Petersburg	87	0.4%	329	204	533	0.4%	620	0.4%
Seward			524	874	1,398	1.1%	1,398	0.9%
Sitka	208	1.0%	658	333	991	0.8%	1,199	0.8%
Tok			180	259	439	0.4%	439	0.3%
Unalaska			400	389	789	0.6%	789	0.5%
Valdez	103	0.5%	397	506	903	0.7%	1,006	0.7%
Wrangell	57	0.3%	268	225	493	0.4%	550	0.4%
Subtotal	21,212	100.0%	51,384	72,306	123,690	97.4%	144,902	97.8%
Lower Vol. Cts.			2,394	930	3,324	2.6%	3,324	2.2%
Statewide Total	21,212	100.0%	53,778	73,236	127,014	100.0%	148,226	100.0%
1st District	2,020	9.5%	10,905	5,119	16,024	12.6%	18,044	12.2%
2nd District	962	4.5%	2,494	666	3,160	2.5%	4,122	2.8%
3rd District	14,632	69.0%	30,563	56,745	87,308	68.7%	101,940	68.8%
4th District	3,598	17.0%	9,816	10,706	20,522	16.2%	24,120	16.3%

Fiscal Year July 1 - June 30

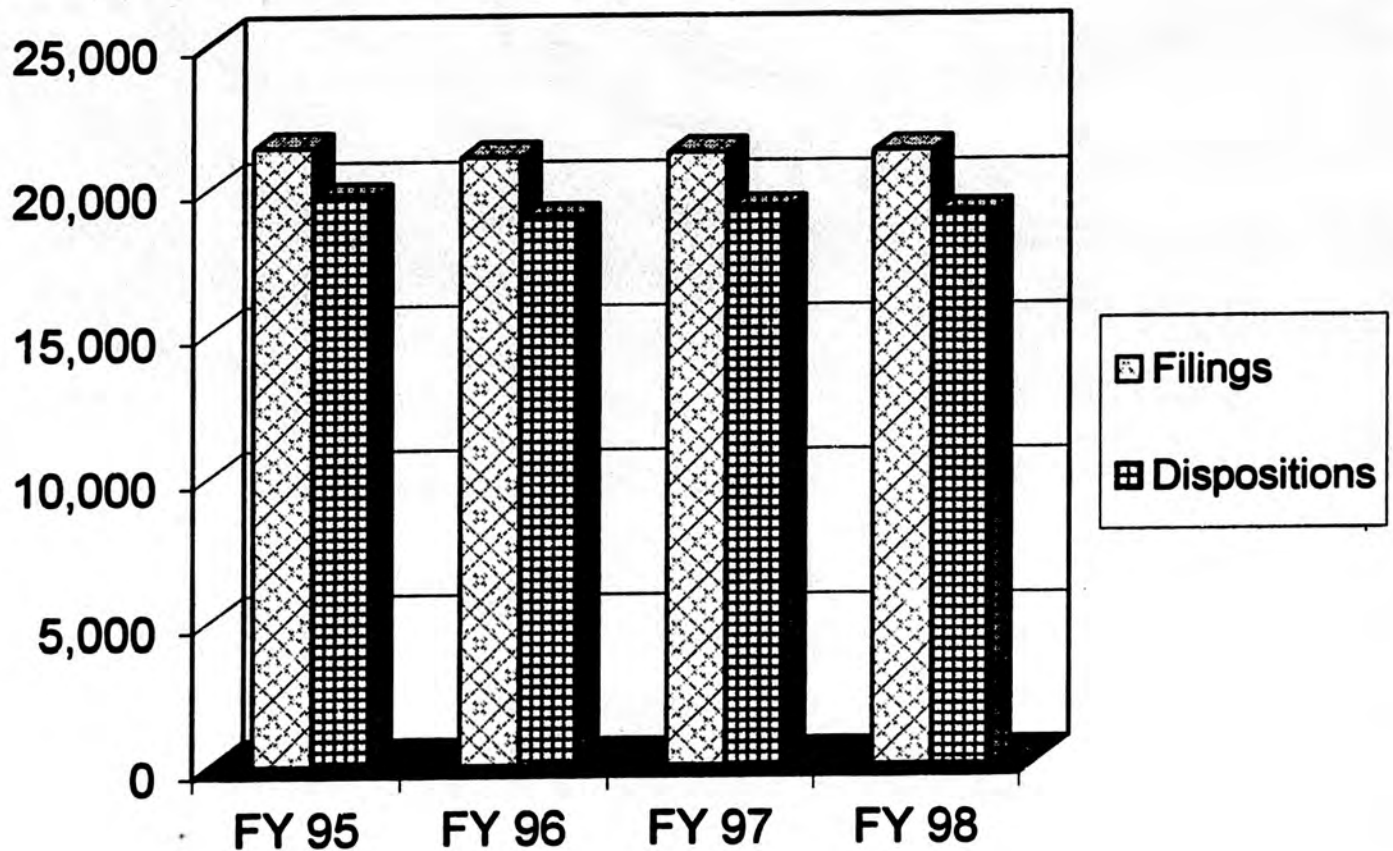
* Traffic / Minor Offense dispositions used as filings.

Table II
Superior Court Caseload Summary
FY 98

Court	Filings	Change from FY 97 Filings	Dispositions	Change from FY 97 Dispositions	Ratio of Dispositions to Filings	
					FY 97	FY 98
Anchorage	11,328	4%	9,643	-2%	90%	85%
Barrow	302	-26%	235	-36%	90%	78%
Bethel	765	2%	520	-26%	93%	68%
Dillingham	151	27%	106	108%	43%	70%
Fairbanks	2,833	3%	2,881	22%	86%	102%
Juneau	960	-23%	880	-16%	84%	92%
Kenai	998	-3%	808	-14%	91%	81%
Ketchikan	708	-13%	673	-20%	104%	95%
Kodiak	422	-12%	458	-5%	101%	109%
Kotzebue	282	11%	264	-2%	106%	94%
Nome	378	10%	387	13%	99%	102%
Palmer	1,630	4%	1,644	14%	92%	101%
Petersburg	87	13%	109	47%	96%	125%
Sitka	208	-18%	232	-8%	100%	112%
Valdez	103	16%	106	-8%	129%	103%
Wrangell	57	-27%	53	-26%	92%	93%
Total	21,212		18,999	-1%	91%	90%
1st District	2,020	-18%	1,947	-15%	93%	96%
2nd District	962	-5%	886	-10%	97%	92%
3rd District	14,632	3%	12,765		90%	87%
4th District	3,598	3%	3,401	11%	88%	95%

Fiscal Year July 1 - June 30
Dillingham Superior Court established 7/1/98

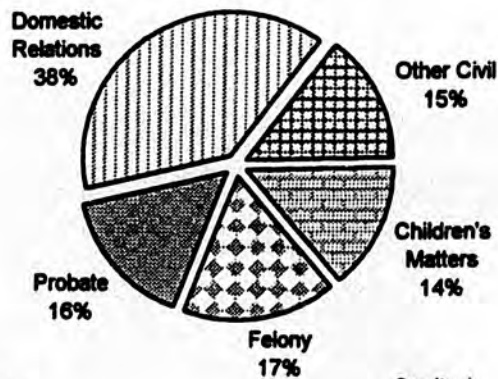
**Table III
Superior Courts
Summary of Filings and Dispositions
FY 95 - FY 98**



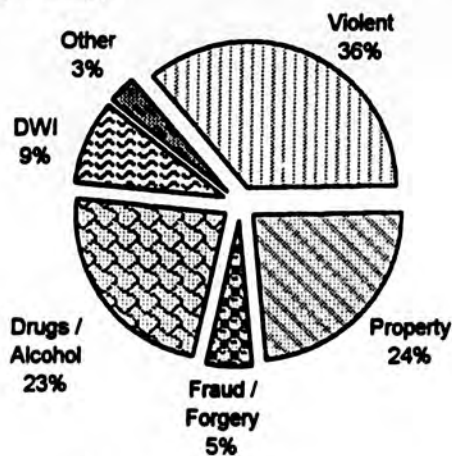
<u>Category</u>	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>
Filings	21,378	21,040	21,173	21,212
Dispositions	19,619	18,899	19,155	18,999

Table IV
Superior Courts
Composition of Filings
FY 98

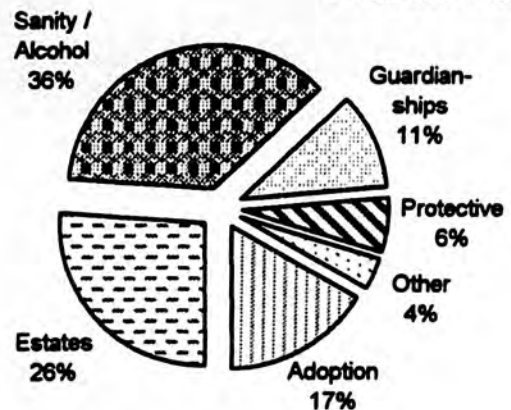
All Filings



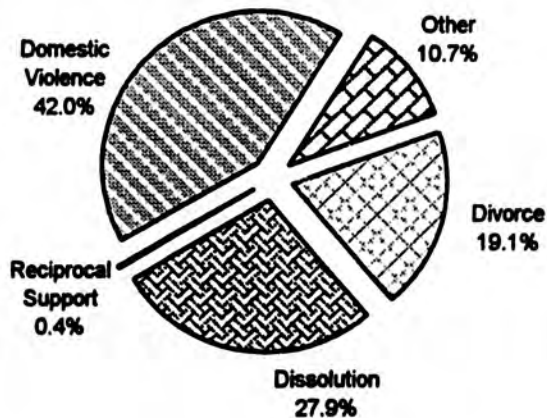
Felony Filings



Probate Filings



Domestic Relations Filings



Other Civil Filings

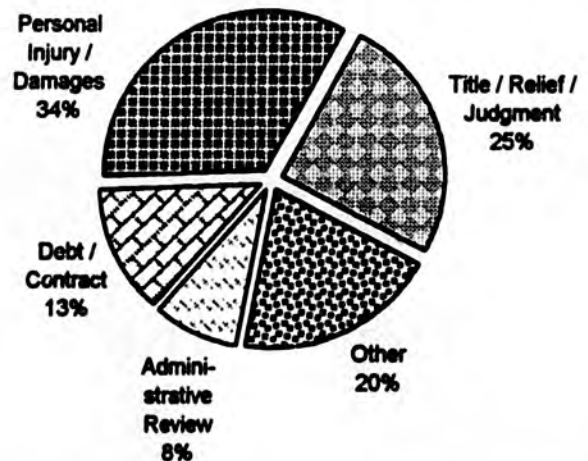
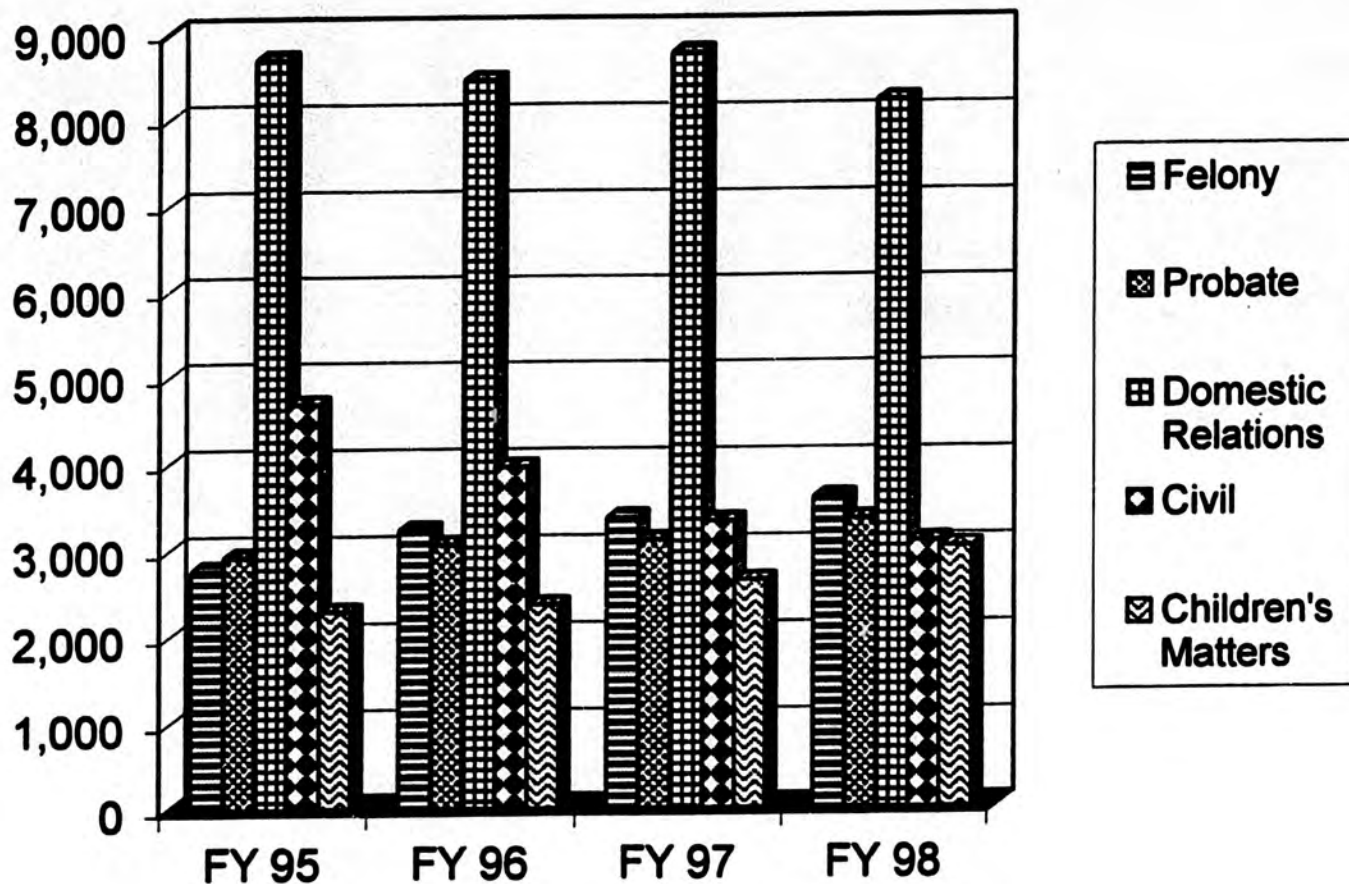


Table IV analyzes the types of cases filed in superior court during FY 98. The largest category of superior court cases continues to be domestic relations, with over 38% of total case filings. Within the general category of domestic relations, domestic violence cases make up over 42% of the domestic relations workload and approximately 16% of the overall superior court workload. Divorce and dissolution cases comprise over 18% of superior court caseload..

**Table V
Superior Courts
Summary of Caseload
FY 95 - FY 98**



<u>Filing Type</u>	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 95 to FY 98 Change</u>
Felony	2,778	3,228	3,362	3,588	29%
Probate	2,929	3,056	3,103	3,335	14%
Domestic Relations	8,692	8,443	8,753	8,190	-6%
Civil	4,685	3,950	3,317	3,083	-34%
Children's Matters	2,294	2,363	2,638	3,016	31%
Total	21,378	21,040	21,173	21,212	-1%

Table VI
District Court Caseload Summary
FY 98

Court	Non-Traffic Filings	Change from FY 97	Traffic Filings *	Change from FY 97	Total Filings	Change from FY 97	Ratio of Dispositions to Filings	
							FY 97	FY 98
Anchorage	18,784	9%	34,885	57%	53,669	37%	96%	97%
Barrow	716	37%	206	-17%	922	20%	96%	90%
Bethel	1,555	10%	409	-37%	1,964	-5%	100%	90%
Cordova	202	-6%	294	4%	496	-1%	99%	100%
Craig	796	12%	264	22%	1,060	14%	94%	100%
Delta Junction	180	-5%	309	-13%	489	-10%	101%	98%
Dillingham	727		138	-8%	865	-1%	92%	91%
Fairbanks	6,515	6%	8,567	9%	15,082	7%	100%	107%
Glennallen	261	4%	867	29%	1,128	22%	99%	100%
Haines	198	34%	234	18%	432	25%	104%	95%
Healy	50	-19%	384	-45%	434	-43%	100%	102%
Homer	970	-8%	1,805	-17%	2,775	-14%	98%	101%
Juneau	6,056	-1%	2,493	-21%	8,549	-8%	94%	101%
Kenai	3,112	14%	6,125	3%	9,237	6%	98%	96%
Ketchikan	1,954	-8%	1,033	-15%	2,987	-11%	102%	105%
Kodiak	1,259	5%	1,618	16%	2,877	11%	96%	103%
Kotzebue	580	27%	285	3%	865	18%	101%	97%
Naknek	280	-33%	94	81%	374	-21%	105%	96%
Nenana	74	6%	205	-53%	279	-45%	99%	86%
Nome	963	24%	175	82%	1,138	31%	96%	97%
Palmer	3,396	8%	9,126	18%	12,522	15%	101%	100%
Petersburg	329	-11%	204	-2%	533	-8%	100%	106%
Seward	524	9%	874	-28%	1,398	-18%	99%	98%
Sitka	658		333	-1%	991		92%	100%
Tok	180	-13%	259	-18%	439	-16%	97%	101%
Unalaska	400	1%	389	5%	789	3%	103%	98%
Valdez	397	34%	506	37%	903	36%	109%	95%
Wrangell	268	-4%	225	-5%	493	-4%	102%	100%
Subtotal	51,384	6%	72,306	22%	123,690	15%	98%	99%
Lower Vol. Cts.	2,394	-4%	930	-18%	3,324	-8%	82%	87%
Statewide Total	53,778	6%	73,236	22%	127,014	14.0%	97%	99%
1st District	10,905	-1%	5,119	-16%	16,024	-6%	96%	101%
2nd District	2,494	25%	666	2%	3,160	21%	99%	98%
3rd District	30,563	8%	56,745	33%	87,308	23%	97%	98%
4th District	9,816	4%	10,706	-2%	20,522	1%	97%	102%

Fiscal Year July 1 - June 30

* Traffic / Minor Offense dispositions used as filings.

CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

Table VI
District Court Caseload Summary
FY 98

Court	Non-Traffic Filings	Change from FY 97	Traffic Filings *	Change from FY 97	Total Filings	Change from FY 97	Ratio of Dispositions to Filings	
							FY 97	FY 98
Anchorage	18,784	9%	34,885	57%	53,669	37%	96%	97%
Barrow	716	37%	206	-17%	922	20%	96%	90%
Bethel	1,555	10%	409	-37%	1,964	-5%	100%	90%
Cordova	202	-6%	294	4%	496	-1%	99%	100%
Craig	796	12%	264	22%	1,060	14%	94%	100%
Delta Junction	180	-5%	309	-13%	489	-10%	101%	98%
Dillingham	727		138	-8%	865	-1%	92%	91%
Fairbanks	6,515	6%	8,567	9%	15,082	7%	100%	107%
Glennallen	261	4%	867	29%	1,128	22%	99%	100%
Haines	198	34%	234	18%	432	25%	104%	95%
Healy	50	-19%	384	-45%	434	-43%	100%	102%
Homer	970	-8%	1,805	-17%	2,775	-14%	98%	101%
Juneau	6,056	-1%	2,493	-21%	8,549	-8%	94%	101%
Kenai	3,112	14%	6,125	3%	9,237	6%	98%	96%
Ketchikan	1,954	-8%	1,033	-15%	2,987	-11%	102%	105%
Kodiak	1,259	5%	1,618	16%	2,877	11%	96%	103%
Kotzebue	580	27%	285	3%	865	18%	101%	97%
Naknek	280	-33%	94	81%	374	-21%	105%	96%
Nenana	74	6%	205	-53%	279	-45%	99%	86%
Nome	963	24%	175	82%	1,138	31%	96%	97%
Palmer	3,396	8%	9,126	18%	12,522	15%	101%	100%
Petersburg	329	-11%	204	-2%	533	-8%	100%	106%
Seward	524	9%	874	-28%	1,398	-18%	99%	98%
Sitka	658		333	-1%	991		92%	100%
Tok	180	-13%	259	-18%	439	-16%	97%	101%
Unalaska	400	1%	389	5%	789	3%	103%	98%
Valdez	397	34%	506	37%	903	36%	109%	95%
Wrangell	268	-4%	225	-5%	493	-4%	102%	100%
Subtotal	51,384	6%	72,306	22%	123,690	15%	98%	99%
Lower Vol. Cts.	2,394	-4%	930	-18%	3,324	-8%	82%	87%
Statewide Total	53,778	6%	73,236	22%	127,014	14.0%	97%	99%
1st District	10,905	-1%	5,119	-16%	16,024	-6%	96%	101%
2nd District	2,494	25%	666	2%	3,160	21%	99%	98%
3rd District	30,563	8%	56,745	33%	87,308	23%	97%	98%
4th District	9,816	4%	10,706	-2%	20,522	1%	97%	102%

Fiscal Year July 1 - June 30

* Traffic / Minor Offense dispositions used as filings.